
NEW YORK STATE
REGISTER

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

For notices published in this issue:

- the 60-day period expires on March 21, 2021
- the 45-day period expires on March 6, 2021
- the 30-day period expires on February 19, 2021

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

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

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

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

Department of Audit and Control

NOTICE OF ADOPTION

Budgets and Financial Plan Format of Public Authorities

I.D. No. AAC-43-20-00004-A

Filing No. 936

Filing Date: 2020-12-30

Effective Date: 2021-01-20

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

Action taken: Amendment of sections 203.1, 203.2, 203.3; repeal of section 203.10 of Title 2 NYCRR.

Statutory authority: State Finance Law, section 8(14); Constitution, art. X, section 5

Subject: Budgets and Financial Plan Format of Public Authorities.

Purpose: Conform regulations related to the submission of annual budgets and financial plans to the Public Authorities Reform Act of 2009.

Text or summary was published in the October 28, 2020 issue of the Register, I.D. No. AAC-43-20-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: Jamie Elacqua, Office of the State Comptroller, 110 State Street, Albany, NY 12236, (518) 473-4146, email: jelacqua@osc.ny.gov

Assessment of Public Comment

The agency received no public comment.

Office of Children and Family Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Implement Rules Regarding Release of Original Birth Certificate or Related Identifying Information to Adult Adopted and Other Specific Persons

I.D. No. CFS-03-21-00004-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 421.4(b), 421.11(g)(3), (4), 466.4(a)(3); addition of sections 421.4(g), 421.11(g)(5), 421.18(p) to Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20, 34 and 372-b

Subject: Implement rules regarding release of original birth certificate or related identifying information to adult adopted and other specific persons.

Purpose: Implement rules regarding release of original birth certificate or related identifying information to adult adopted and other specific persons.

Text of proposed rule: Subdivision (b) of section 421.4 of 18 NYCRR is amended to read as follows:

(b) offer services with the recognition of each person's inherent dignity, integrity and right to privacy and with the assurance that records will be kept confidential pursuant to the provisions of *section 114 of the Domestic Relations Law, sections 4138-c, 4138-d and 4138-e of the Public Health Law and sections 136, 373-a and 409-f of the Social Services Law;*

Subdivision (g) of section 421.4 of 18 NYCRR is added to read as follows:

(g) *inform each biological parent of the right of an adopted person 18 years of age or older, or if the adopted person is deceased, the adopted person's direct line descendants, or the lawful representative of such adopted person or the lawful representative of such deceased adopted person's direct line descendants, as the case may be, either to receive from the commissioner of the New York State Department of Health, the commissioner of Health and Mental Hygiene of the City of New York, the applicable local registrar or any person so authorized by such commissioner or local registrar a certified copy of the adopted person's original long form birth certificate, including any change attached to that certificate by a biological parent or parents and any information provided to the such commissioner or local registrar in accordance with state law or, where it is impossible for such commissioner or local registrar to provide a copy of the original long form birth certificate of a person adopted in this state and such certificate is not part of the records of such commissioner or local registrar, to receive from an authorized agency, as defined in paragraphs (a) and (b) of subdivision 10 of section 371 of the Social Services Law, identifying information regarding the adopted person and the adopted person's biological parents that would otherwise appear on an original long form birth certificate in this state. Biological parents may also be informed of the Adoption Information Registry and the Mutual Consent Voluntary Adoption Registry pursuant to sections 4138-c and 4138-d of the Public Health Law where an adopted person, the biological siblings or the birth parents may register with either registry to obtain more information about the adoption.*

Paragraphs (3) and (4) of subdivision (g) of section 421.11 of 18 NYCRR are amended and a new paragraph (5) is added to read as follows:

(3) that as part of the application process, each applicant to be an adoptive parent will be required to submit a sworn statement including whether such applicant, to the best of the applicant's knowledge, has ever been convicted of a crime in New York State or any other jurisdiction and that the applicant and any other person over the age of 18 who currently resides in the home of the applicant will be required to be fingerprinted for the purpose of a criminal history record check performed by the Division of Criminal Justice Services and the Federal Bureau of Investigation and subject to the criminal history record check requirements set forth in section 378-a(2) of the Social Services Law and section 421.27 of this Part; [and]

(4) that pursuant to section 372-e of the Social Services Law, an applicant may apply for a fair hearing if an application is not acted upon by the completion of an adoption home study within six months or if an application is rejected; and

(5) that an adopted person 18 years of age or older, or if the adopted person is deceased, the adopted person's direct line descendants, or the lawful representative of such adopted person or the lawful representative of such adopted person's direct line descendants, as the case may be, has a right either to receive from the commissioner of the New York State Department of Health, the commissioner of Health and Mental Hygiene of the City of New York, the applicable local registrar or any person so authorized by such commissioner or local registrar a certified copy of the adopted person's original long form birth certificate, including any change attached to that certificate by a biological parent or parents and any information provided to such commissioner or local registrar in accordance with state law or, where it is impossible for such commissioner or local registrar to provide a copy of the original long form birth certificate of a person adopted in this state and such certificate is not part of the records of such commissioner or local registrar, to receive from an authorized agency, as defined in paragraphs (a) and (b) of subdivision 10 of section 371 of the Social Services Law, identifying information regarding the adopted person and the adopted person's biological parents that would otherwise appear on an original long form birth certificate in this state. The adoptive person 18 years of age or older may also be informed of the Adoption Information Registry and the Mutual Consent Voluntary Adoption Registry pursuant to sections 4138-c and 4138-d of the Public Health Law where the adoptive person, the biological siblings or the birth parents of the adoptive person may register with either registry to obtain more information about the adoption.

Subdivision (p) of section 421.18 of 18 NYCRR is added to read as follows:

(p) At the time of placement, inform the adoptive parents of the right of an adopted person 18 years of age or older, or if the adopted person is deceased, the adopted person's direct line descendants, or the lawful representative of such adopted person or lawful representative of such deceased adopted person's direct line descendants, as the case may be, either to receive from the commissioner of the New York State Department of Health, the commissioner of Health and Mental Hygiene of the City of New York, the applicable local registrar or any person authorized by such commissioner or local registrar a certified copy of the adopted person's original long form birth certificate, including any change attached to that certificate by a biological parent or parents and any information provided to such commissioner or local registrar in accordance with state law or, where it is impossible for such commissioner or local registrar to provide a copy of the original long form birth certificate of a person adopted in this state and such certificate is not part of the records of such commissioner or local registrar, to receive from an authorized agency, as defined in paragraphs (a) and (b) of subdivision 10 of section 371 of the Social Services Law, identifying information regarding the adopted person and the adopted person's biological parents that would otherwise appear on an original long form birth certificate in this state. The adoptive parents may also be informed of the Adoption Information Registry and the Mutual Consent Voluntary Adoption Registry pursuant to sections 4138-c and 4138-d of the Public Health Law where the adoptee, the birth parents or the biological siblings may register with either registry to obtain more information about the adoption.

Paragraph (3) of subdivision (a) of section 466.4 of 18 NYCRR is amended to read as follows:

(3) Individual identifiable information regarding adoption assistance and adoption services is confidential and access to such information is allowable only pursuant to the standards set forth in section 114 of the Domestic Relations Law, sections 4138-c, 4138-d and 4138-e of the Public Health Law, sections 136, 373-a and 409-f of the Social Services Law and applicable OCFS regulations including section 357.3 of this Title.

Text of proposed rule and any required statements and analyses may be obtained from: Frank J. Nuara, Office of Children and Family Services, 52 Washington St., Rensselaer, NY 12144, (518) 474-9778, email: REGCOMMENTS@ocfs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority

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

Section 34(3) (f) of the SSL requires the commissioner of OCFS to establish regulations for the administration of public assistance and care within the state.

Section 372-b(3) of the SSL requires OCFS to promulgate regulations to maintain enlightened adoption policies and to establish standards and criteria for adoption practices.

2. Legislative objectives

The proposed regulations would implement Chapter 491 of the Laws of 2019.

3. Needs and benefits

The proposed regulations would implement Chapter 491 of the Laws of 2019 by making conforming changes to New York State regulations relating to access by adult adopted persons and other specified individuals to a certified copy of the adopted person's original long form birth certificate or where access to such certificate is not possible, to identifying information otherwise contained in the original long form birth certificate. The proposed regulations would require local departments of social services (LDSSs) and voluntary authorized adoption agencies (VAs) to inform biological parents and prospective adoptive parents of the right of an adopted person 18 years of age or older, or the direct line descendants of the deceased adopted person, or the lawful representative of such adopted person or the lawful representative of such deceased adopted person's direct line descendants, to apply for and receive the adopted person's original birth certificate from the commissioner of the New York State Department of Health (NYSDOH), the commissioner of the New York City Department of Health and Mental Hygiene (NYCDOHMH), an applicable local registrar or any person so authorized by such commissioner or local registrar. The proposed regulations would also provide for LDSSs and VAs to provide identifiable information, as available, regarding the adult adopted person and the adopted person's birth parents to the persons specified above where the original birth certificate was unavailable from NYSDOH, NYCDOHMH, applicable local registrars or any person so authorized by NYSDOH, NYCDOHMH or local registrar.

4. Costs

The cost to implement these changes would be negligible.

5. Local government mandates

The proposed regulations would impose an additional mandate on LDSSs to provide available identifying information otherwise contained in a long form birth certificate to an adult adoptee and other specified individuals where the adult adopted person's original long form birth certificate was unavailable from the NYSDOH, NYCDOHMH, applicable local registrars or person authorized by NYSDOH, NYCDOHMH or local registrar.

6. Paperwork

The requirements imposed by the proposed regulations will be recorded in the case record or sealed/closed adoption file.

7. Duplication

The proposed regulations do not duplicate other state or federal requirements.

8. Alternatives

No alternative approaches to implementing the proposed changes to regulation were considered. These amendments are necessary to implement Chapter 491 of the Laws of 2019.

9. Federal standards

The proposed regulations do not impact federal standards.

10. Compliance schedule

Compliance with the proposed regulations would begin immediately upon their final adoption.

Regulatory Flexibility Analysis

1. Effect on Small Businesses and Local Governments

These proposed regulations will have an impact upon local departments of social service (LDSSs) and voluntary authorized adoption agencies (VAs). In New York State there are 58 LDSSs and 102 VAs.

2. Compliance Requirements

The proposed regulations implement Chapter 491 of the Laws of 2019 by requiring LDSSs and VAs to inform biological parents and prospective adoptive parents of the right of an adopted person 18 years of age or older or, the direct line descendants of the deceased adopted person, or the lawful representative of such adopted person or the lawful representative of such deceased adopted person's direct line descendants, to apply for and receive the adopted person's original long form birth certificate from the

commissioner of the New York State Department of Health (NYSDOH), the commissioner of the New York City Department of Health and Mental Hygiene (NYCDOHMH), applicable local registrars or persons so authorized by such commissioner or local registrar. The proposed regulations would also require LDSSs and VAs to provide identifying information regarding the adult adopted person and the adopted person's birth parents, as available, to an adult adoptee or other specified persons where the original long form birth certificate was unavailable from NYSDOH, NYCDOHMH, local registrar or person so authorized by the NYSDOH, NYCDOHMH or local registrar. The proposed regulations are necessary to maintain enlightened adoption practices.

3. Professional Services

These proposed regulations would not create the need for additional professional services.

4. Compliance Costs

The cost to implement these changes would be negligible.

5. Economic and Technological Feasibility

The proposed regulations would not have an adverse economic impact on LDSSs or VAs and would not require the hiring of additional staff.

6. Minimizing Adverse Impact

It is not anticipated that the proposed regulations would result in an adverse impact on local government agencies or small businesses.

7. Small Business and Local Government Participation

Comments on Chapter 491 of the Laws of 2019 were made by adoption advocacy groups, LDSSs and VAs largely in support of Chapter 491 which is being implemented by the proposed regulations. Concerns were raised with Chapter 491 about the implementation of a disclosure process, the impact of access to birth certificate information on a birth parent's decision to go forward with an adoption plan and the possible traumatic impact on the adult adoptee and birth parent.

8. For Rules that Either Establish or Modify a Violation or Penalties

The proposed regulations would not establish or modify a violation or penalty.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas

The proposed regulations will affect the 44 local departments of social service (LDSSs) and approximately 21 voluntary authorized adoption agencies (VAs) that are in rural areas.

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

The proposed regulations would implement Chapter 491 of the Laws of 2019 by requiring LDSSs and VAs operating adoption programs to inform biological parents and prospective adoptive parents of the right of an adopted person 18 years of age or older or, the direct line descendants of the deceased adult adopted person, or the lawful representative of such adopted person or the lawful representative of such deceased adopted person's direct line descendants, to apply for and receive the adopted person's original long form birth certificate from the commissioner of the New York State Department of Health (NYSDOH), the commissioner of the New York City Department of Health and Mental Hygiene (NYCDOHMH), applicable local registrars or persons so authorized by such commissioner or local registrar. The proposed regulations would also require LDSSs and VAs to provide identifying information regarding the adult adopted person and the adopted person's birth parents, as available, to an adult adoptee or other specified persons where the original birth certificate was unavailable from NYSDOH, NYCDOHMH, local registrar or person so authorized by either the NYSDOH, NYCDOHMH or local registrar.

3. Costs

The cost to implement these regulations would be negligible.

4. Minimizing adverse impact

It is not anticipated that the proposed regulations will result in an adverse impact on LDSSs, VAs or small businesses that are in rural areas.

5. Rural area participation

Comments on Chapter 491 of the Laws of 2019 were made by adoption advocacy groups, LDSSs and VAs largely in support of Chapter 491 which is being implemented by the proposed regulations. Concerns were raised with Chapter 491 about the implementation of a disclosure process, the impact of access to birth certificate information on a birth parent's decision to go forward with an adoption plan and the possible traumatic impact of disclosure on the adult adoptee and birth parent.

Job Impact Statement

The proposed amendments to regulation will not have a negative impact on jobs or employment opportunities in either public or private child welfare agencies. A full job impact statement has not been prepared for the proposed regulations as it is assumed that the proposed regulations will not result in the loss of any jobs.

Division of Criminal Justice Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Familial Search Policy and Unidentified Human Remains

I.D. No. CJS-03-21-00005-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 6192.3(g), (h), (i), (j) and (k) of Title 9 NYCRR.

Statutory authority: Executive Law, sections 837(13), 995-b(9) and (13)

Subject: Familial Search Policy and Unidentified Human Remains.

Purpose: Add unidentified human remains to familial searching for identification where the remains are those of a victim of a crime.

Text of proposed rule: 1. Section 6192.3(g)(1)(iii) of Title 9 of the New York Codes, Rules and Regulations is amended to read as follows:

(iii) the Expected Match Ratio (EMR) and/or the Expected Kinship Ratio (EKR) for the four major ethnic groups in the FBI allele frequency databases (or equivalent likelihood ratio approved by the State DNA Subcommittee) was calculated [by it] and at least one of the four database values for EMR or EKR is greater than or equal to 1.0 and all the others are greater than or equal to 0.1 (or an equivalent pre-determined statistical measure approved by the DNA Subcommittee). If available and appropriate, additional DNA analysis (e.g., Y-STR, mitochondrial) should be performed;

2. Subdivision (h) of section 6192.3 of Title 9 of the New York Codes, Rules and Regulations is amended to read as follows:

(h) When there is not a match or a partial match to a sample in the DNA databank, a familial search may be performed. To perform a familial search, the following case and sample requirements must be met:

3. Section 6192.3(h)(1) of Title 9 of the New York Codes, Rules and Regulations is amended to read as follows:

(1) The forensic DNA profile or unidentified human remains DNA profile must be associated with:

4. Section 6192.3(h)(3) of Title 9 of the New York Codes, Rules and Regulations is amended to read as follows:

(3) The forensic DNA profile must:

(i) be a single source, or a fully deduced profile originating from a mixture;

(ii) appear to have a direct connection with the putative perpetrator of the crime;

(iii) reside in SDIS; and

(iv) have been searched against DNA profiles contained in the [DNA databank's offender index] State DNA Databank.

5. A new paragraph 6192.3(h)(4) of Title 9 of the New York Codes, Rules and Regulations is added to read as follows:

(4) The unidentified human remains DNA profile must:

(i) be a single source profile;

(ii) have been developed from a deceased individual whose identity is unknown and whose death is suspected to involve the commission of a crime enumerated in paragraph (h) (1) of this section;

(iii) reside in SDIS; and,

(iv) have been searched against DNA profiles contained in the State DNA Databank.

6. Subdivision (i) of section 6192.3 of Title 9 of the New York Codes, Rules and Regulations is amended to read as follows:

(i) Any request for a familial DNA search must be made jointly by the appropriate investigating agency and the appropriate prosecutor (hereinafter "the requestors") through an application to the division in the form and manner specified by the division.

(1) Upon receipt of an application:

(i) The division will confirm that the [requestors have certified that] familial search requests meets the case requirements in paragraph [(1) of subdivision (h) of this Part have been satisfied] (h)(1) of this section; and

(ii) The state CODIS administrator will confirm that the sample requirements in [subparagraphs (i) and (ii) of paragraph (3) of subdivision (h) of this Part] paragraphs (h)(3)(i) and (ii) or (h)(4)(i) and (ii) of this section have been verified by the forensic laboratory that generated the forensic DNA profile or unidentified human remains DNA profile; and,

(iii) The state CODIS administrator will confirm that the sample requirements in [subparagraphs (iii) and (iv) of paragraph (3) of subdivision (h) of this Part] *paragraphs (h)(3)(iii) and (iv) or (h)(4)(iii) and (iv) of this section* have been met.

(2) The commissioner shall review all completed applications.

(i) If, upon review and evaluation of such application, the commissioner determines that any of the case and/or any of the sample requirements are not satisfied, the division shall notify the requestors, in writing, that a familial search cannot be performed and identify the requirements not satisfied.

(ii) If, upon review and evaluation of such application, the commissioner determines that all of the case and sample requirements have been satisfied, [the law enforcement agency, the district attorney, the director of the new york state police crime laboratory or his or her designee, and the commissioner of the division or his or her designee, must execute a memorandum of understanding among themselves detailing the role of each organization] *the requestors will be notified in writing that their familial search request has been approved and entered into the queue for search processing.*

7. Subdivision (j) of section 6192.3 of Title 9 of the New York Codes, Rules and Regulations is amended to read as follows:

(j) Upon receipt of [the memorandum of understanding described in subparagraph (ii) of paragraph (2) of subdivision (i) of this Part] *an approved familial search application from the division*, the New York State Police crime laboratory will:

(1) use validated software, which has been approved by the DNA subcommittee and the commission, to perform a familial search of the DNA databank and generate a candidate list;

(2) evaluate the candidate list based on established kinship threshold value(s) approved by the DNA subcommittee and commission;

(3) perform Y-STR testing on the candidate sample(s) if the forensic DNA profile *or unidentified human remains DNA profile* is from a male individual and sufficient forensic DNA sample exists for Y-STR testing; and,

(4) if appropriate, ensure additional testing is performed on the candidate sample, provided there is sufficient forensic DNA sample *or unidentified human remains DNA profile* available for testing.

8. Subdivision (k) of section 6192.3 of Title 9 of the New York Codes, Rules and Regulations is amended to read as follows:

(k) In order for the results of [the] a familial DNA search to be released, the following conditions must be met:

9. Paragraphs (1) and (2) of subdivision (k) of section 6192.3 of Title 9 of the New York Codes, Rules and Regulations are repealed and two new paragraphs (1) and (2) are added to read as follows:

(1) *If the candidate profile(s) exceed the established kinship threshold value(s), and are not excluded by additional testing performed, the name(s) of the offender(s) in the DNA databank will be released to the requestors. The familial DNA search results shall be provided in writing and shall include the following statements:*

(i) *The information provided is for investigatory law enforcement purposes only;*

(ii) *The forensic DNA profile or unidentified human remains DNA profile could not have come from the named offender in the DNA databank;*

(iii) *The information provided is not a definitive statement of a familial (i.e., biological) relationship; and,*

(iv) *The information provided shall be treated only as an investigative lead.*

(2) *The requestors must satisfactorily complete, and demonstrate an understanding of, a mandatory, in-person, or at the discretion of the commissioner, video conference training. At a minimum, the training shall address:*

(i) *how a familial search is conducted, including the limitations of the method;*

(ii) *guidance on how to best evaluate leads from a familial search in order to protect unknown family relationships (donor parents/adoptions, previously unknown relatives);*

(iii) *the confidentiality requirements associated with the DNA Databank records, and any samples, analysis or other related documents (see Executive Law sections 995-c; 995-d; 995-f);*

(iv) *the requirement to withdraw a request if a suspect or the human remains are identified through other means before the familial search is completed; and,*

(v) *the requirement to provide follow-up information to the division regarding the case at intervals determined by the division.*

10. Paragraphs (3) and (4) of subdivision (k) of section 6192.3 of Title 9 of the New York Codes, Rules and Regulations are amended to read as follows:

(3) If no candidate profile(s) on the candidate list exceed the established kinship threshold value(s), no name will be released and the requestors will be notified *as such*, in writing[, that no potential relatives were identified through a familial search].

(4) The forensic DNA [sample] *profile or unidentified human remains DNA profile* can be researched against the DNA databank upon renewal of the request. In the absence of exigent circumstances, such requests may be made every six months *from the notification that there were no candidates identified.*

Text of proposed rule and any required statements and analyses may be obtained from: Natasha Harvin-Locklear, Esq., New York State Division of Criminal Justice Services, 80 S. Swan St., Albany, NY 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority: Executive Law §§ 837(13), 995-b(9), (13).

Pursuant to Executive Law § 995-b(9), the Commission on Forensic Science (Commission), in consultation with the DNA Subcommittee, must promulgate a policy for the establishment and operation of a DNA Databank.

The DNA Subcommittee is a subcommittee of the Commission and is composed of scientists with expertise in the fields of molecular biology; population genetics; forensic science; and, laboratory standards and quality assurance. Pursuant to Executive Law § 995-b(13), the DNA Subcommittee has been granted authority, through binding recommendations to the Commission, regarding matters relating to the establishment and operation of the DNA Databank.

The Commission is established pursuant to Executive Law § 995-a. Although it is technically an independent entity, the Commission has no staff or budget and relies on the Division of Criminal Justice Services (Division) for the staff, administrative assistance, and other resources necessary to carry out its powers and duties. Executive Law § 837(13) authorizes the Division to adopt, amend or rescind regulations “as may be necessary or convenient to the performance of the functions, powers and duties of the [D]ivision.”

The DNA Databank became operational in 1996. Since its inception, the policy for the establishment and operation of the DNA Databank required pursuant to Executive Law § 995-b(9) has been promulgated by the Division in 9 NYCRR Part 6192. The proposed rule amends 9 NYCRR Part 6192 to codify a familial search policy.

2. Legislative objectives: The Legislature authorized the Commission to promulgate a policy for the establishment and operation of a DNA Databank, and authorized the Division to establish the Databank. Thus, the Legislature clearly intended that the Commission and Division establish and maintain effective procedures governing the DNA Databank.

3. Needs and benefits: DNA profiles generated from evidence associated with criminal investigations are routinely searched against DNA databanks. Currently, the regulations permit familial searching, which is a targeted evaluation of the convicted offenders in the State DNA Databank. This search generates a list of candidates based on kinship statistics to indicate potential biologically related individuals. Familial searching greatly increases the pool of potential suspects, thereby increasing the number of crimes solved.

While familial searching applies to forensic DNA profiles, it cannot be done with unidentified human remains. In the case of the latter, where there is evidence that the remains are those of a victim of a crime, the law presently does not allow the searching of a profile generated from the remains against the State DNA Databank. The proposed amendments add unidentified human remains to the familial search policy; however, they must meet certain case and sample requirements. The unidentified human remains DNA profile must:

(i) be a single source profile;

(ii) have been developed from a deceased individual whose identity is unknown and whose death is suspected to involve the commission of an enumerated crime;

(iii) reside in the State DNA Index Systems or SDIS; and,

(iv) have been searched against DNA profiles contained in the State DNA Databank.

The proposed regulations also streamline the familial search process by removing the memorandum of understanding step and inserting the agreement into the application.

4. Costs:

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

b. There are no costs to the agency, or state or local governments for the implementation and continuation of the rule.

c. The cost analysis is based on the fact that the proposal does not impose any mandates on local governments. It merely provides a tool for identification.

5. Local government mandates: There are no mandates.

6. Paperwork: Any request for a familial DNA search must be made

jointly by the appropriate investigating agency and the appropriate prosecutor through an application to the Division.

If, upon review and evaluation of such application, the Commissioner of the Division determines that any of the case and/or any of the sample requirements are not satisfied, the requestors will be notified, in writing, that a familial search cannot be performed. If all of the case and sample requirements have been satisfied, the requestors will be notified in writing that their familial search request has been approved and entered into the queue for search processing.

If the candidate profile(s) exceed the established kinship threshold value(s), and are not excluded by additional testing performed, the name(s) of the offender(s) in the DNA Databank will be released to the requestors. The search results will be provided in writing. If no candidate profile(s) on the candidate list exceed the established kinship threshold value(s), no name will be released and the requestors will be notified as such, in writing.

7. Duplication: No other legal requirements duplicate, overlap, or conflict with the rule.

8. Alternatives: At its June 5, 2020 meeting, the Commission reviewed and discussed the draft familial search policy, regulations and implementation plan as they were proposed by the DNA Subcommittee at its May 1, 2020 meeting. The Commission voted to send the policy, regulations and implementation plan, along with the Commission's revisions, back to the DNA Subcommittee for consideration.

On August 14, 2020, the DNA Subcommittee reviewed and discussed the proposed revisions to the familial search policy, implementation plan, and corresponding regulations, then made binding a recommendation to the Commission to adopt the amendments. The Commission formally adopted the amendments on September 16, 2020.

As the administrative arm of the Commission, the Division intends to carry out its duty to maintain effective procedures governing the DNA Databank by adopting and promulgating the proposed regulations.

9. Federal standards: There are no federal standards.

10. Compliance schedule: Regulated parties are expected to be able to comply with the rule immediately upon Notice of Adoption.

Regulatory Flexibility Analysis

DNA profiles generated from evidence associated with criminal investigations are routinely searched against DNA databanks. Currently, the regulations permit familial searching, which is a targeted evaluation of the convicted offenders in the State DNA Databank. This search generates a list of candidates based on kinship statistics to indicate potential biologically related individuals. Familial searching greatly increases the pool of potential suspects, thereby increasing the number of crimes solved.

While familial searching applies to forensic DNA profiles, it cannot be done with unidentified human remains. In the case of the latter, where there is evidence that the remains are those of a victim of a crime, the law presently does not allow the searching of a profile generated from the remains against the State DNA Databank. The proposed amendments add unidentified human remains to the familial search policy; however, they must meet certain case and sample requirements.

The proposed rule does not apply to small businesses nor does it impose mandates on local governments. It merely provides a tool for identification. As such, it is apparent that the rule will not impose any adverse economic effect, or reporting, recordkeeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

DNA profiles generated from evidence associated with criminal investigations are routinely searched against DNA databanks. Currently, the regulations permit familial searching, which is a targeted evaluation of the convicted offenders in the State DNA Databank. This search generates a list of candidates based on kinship statistics to indicate potential biologically related individuals. Familial searching greatly increases the pool of potential suspects, thereby increasing the number of crimes solved.

While familial searching applies to forensic DNA profiles, it cannot be done with unidentified human remains. In the case of the latter, where there is evidence that the remains are those of a victim of a crime, the law presently does not allow the searching of a profile generated from the remains against the State DNA Databank. The proposed amendments add unidentified human remains to the familial search policy; however, they must meet certain case and sample requirements.

The proposal does not impose mandates on local governments. It merely provides a tool for identification. As such, it is apparent that the rule will not impose any adverse effect on rural areas, or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

DNA profiles generated from evidence associated with criminal investigations are routinely searched against DNA databanks. Currently, the regulations permit familial searching, which is a targeted evaluation of

the convicted offenders in the State DNA Databank. This search generates a list of candidates based on kinship statistics to indicate potential biologically related individuals. Familial searching greatly increases the pool of potential suspects, thereby increasing the number of crimes solved.

While familial searching applies to forensic DNA profiles, it cannot be done with unidentified human remains. In the case of the latter, where there is evidence that the remains are those of a victim of a crime, the law presently does not allow the searching of a profile generated from the remains against the State DNA Databank. The proposed amendments add unidentified human remains to the familial search policy; however, they must meet certain case and sample requirements.

The proposal does not impose mandates on local governments. It merely provides a tool for identification. As such, it is apparent from the nature and purpose of the rule that it will not have a substantially adverse effect on jobs and employment opportunities.

Department of Environmental Conservation

NOTICE OF ADOPTION

Sulfur-In Fuel Limitations

I.D. No. ENV-05-20-00002-A

Filing No. 2

Filing Date: 2021-01-05

Effective Date: 30 days after filing

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

Action taken: Amendment of Subpart 225-1 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0325, 19-0907, 71-2103 and 71-2105

Subject: Sulfur-in Fuel Limitations.

Purpose: Limit sulfur in liquid and solid fuels throughout NYS.

Substance of final rule: The Department of Environmental Conservation (Department) is proposing to revise 6 NYCRR Subpart 225-1, "Fuel Composition and Use - Sulfur Limitations". Subpart 225-1 imposes limits on the sulfur content of distillate oil, residual oil, and coal fired in stationary sources. The revisions to Subpart 225-1 will add process sources and incinerators as stationary emission sources to which these revisions will apply throughout New York State. The revisions will also lower the sulfur-in-fuel limit for waste oil and correct minor typographical errors. The revisions will remove 6 NYCRR subdivision 225-1.3(e) which cites section 117 of article 5 of the Energy Law. This provision states that the Governor may pre-empt the requirements of 6 NYCRR Subpart 225-1 if an energy or fuel supply emergency is declared. Finally, the revisions will remove paragraph 225-1.4(c)(2) which has been deemed contradictory and less stringent than the sulfur-in-fuel requirements of the table in subdivision 225-1.2(b) of this Subpart.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 225-1.2(a), (b), (c), (d), (e), 225-1.3(a), 225-1.5(a), (b)(1), (2) and (3).

Text of rule and any required statements and analyses may be obtained from: Mike Jennings, NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3254, (518) 402-8403, email: air.regs@dec.ny.gov

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

Summary of Revised Regulatory Impact Statement INTRODUCTION

The New York State Department of Environmental Conservation (Department) is adopting revisions to 6 New York Codes, Rules and Regulations (NYCRR) Subpart 225-1, "Fuel Composition and Use - Sulfur Limitations" (Subpart 225-1). Subpart 225-1 imposes limits on the sulfur content of distillate oil, residual oil, and coal fired in stationary sources. The Department is adopting these revisions to both implement a statutory requirement and meet our obligations to reduce air pollution. The revisions to Subpart 225-1 will be a component of the State Implementation Plan (SIP) for New York State (NYS) directed at attainment of the

particulate matter less than or equal to 2.5 microns in diameter (PM-2.5) national ambient air quality standard (NAAQS), the sulfur dioxide (SO₂) NAAQS and the Department's obligations under the regional haze SIP submitted to U.S. Environmental Protection Agency (EPA) on March 15, 2010. This is a requirement flowing from the State's obligations under the Clean Air Act (CAA). This is not a mandate on local governments. It applies to any entity that owns or operates a subject stationary source. These revisions do not regulate transportation fuel.

The revisions to Subpart 225-1 add process sources and incinerators as stationary emission sources to which these revisions apply in NYS. The revisions also lower the sulfur-in-fuel limit for waste oil and correct minor typographical errors. Finally, the revisions remove subdivision 225-1.3(e) which cites section 117 of article 5 of the Energy Law.

STATUTORY AUTHORITY

The following Sections of the Environmental Conservation Law (ECL) allow the Department to promulgate and implement the proposed regulation: Section 1-0101, Section 3-0301, Section 19-0103, Section 19-0105, Section 19-0301, Section 19-0303, Section 19-0305, Section 19-0325, Section 19-0907, Section 71-2103, and Section 71-2105.

LEGISLATIVE OBJECTIVES

Article 19 of the ECL was adopted to safeguard the air resources of NYS from pollution. To facilitate this purpose, the Legislature bestowed specific powers and duties on the Department including the power to formulate, adopt, promulgate, amend, and repeal regulations for preventing, controlling or prohibiting air pollution. This authority also specifically includes promulgating rules and regulations for preventing, controlling or prohibiting air pollution in such areas of the State as shall or may be affected by air pollution, and provisions establishing areas of the State and prescribing for such areas (1) the degree of air pollution or air contamination that may be permitted therein, and (2) the extent to which air contaminants may be emitted to the air by any air contamination source. In addition, this authority also includes the preparation of a general comprehensive plan for the control or abatement of existing air pollution and for the control or prevention of any new air pollution recognizing various requirements for different areas of the State. The legislative objectives underlying the above statutes are directed toward protection of the environment and public health.

NEEDS AND BENEFITS

Elevated PM-2.5 and PM-10 levels are of concern for the New York City metropolitan area. PM-2.5 and PM-10 consist of microscopic solid or liquid particles and is the major cause of the regional haze issue. PM-2.5 and PM-10 can be emitted directly from stationary sources or comprised of nitrate and sulfate particles formed through reactions involving NO_x and SO₂ in the atmosphere. These particles are small enough to be inhaled into the lungs and can even enter the bloodstream. Ongoing scientific studies show that particulate inhalation, similarly to ozone, leads to health problems such as coughing, difficulty breathing, aggravated asthma, and a higher likelihood for other respiratory disorders. Studies have also shown that elevations in PM-2.5 and PM-10 concentrations are associated with such cardiovascular threats as irregular heartbeat and non-fatal heart attacks. Increased PM-2.5 and PM-10 exposure may even cause premature death in those with existing heart or lung disease.

The revisions to Subpart 225-1 are intended to reduce the emission of SO₂ that are the precursors of PM below the present levels and to comply with the mandates specified under ECL Section 19-0325. Existing regulations and emission control programs have been successful in the past at reducing these emissions. Regulatory efforts such as the Acid Rain program, past state and federal fuel sulfur limitations for stationary and mobile sources, and efforts like the Clean Air Interstate Rule and the Cross-State Air Pollution Rule have had a significant effect on air quality and health. The new sulfur-in-fuel limits in this rule are expected to further reduce monitored values of SO₂ and maintain attainment of the NAAQS.

Regional haze refers to the presence of light-inhibiting pollutants in the atmosphere. These particles and gases scatter or absorb light to cause a net effect referred to as "light extinction." This light extinction occurs across the sight path of an observer, thus leading to a hazy condition. Emissions of pollutants such as PM-2.5, PM-10, and SO₂ are also primary contributors to visibility problems. These pollutants lend themselves to being transported great distances once they enter the atmosphere. Accordingly, sources contribute to visibility impairment in Class I areas far downwind of their locations, thereby necessitating a regional approach to solving the haze issue.

Applicability to process and incineration sources

As noted above, reducing sulfur in oil in NYS will reduce PM-2.5, PM-10, and SO₂, emissions. Such reductions will provide both health and visibility improvements and help NYS meet its obligations under the CAA. Under the current regulation, process and incineration sources are required to purchase compliant fuels when buying from distributors in NYS. However, these process and incineration sources may purchase higher

sulfur content fuel from out-of-state distributors. This rulemaking will require that process and incineration sources only combust compliant fuels after July 1, 2023.

Lowering sulfur content requirement of waste oil

Over the past several years more and more engine lubricating oils have been manufactured from natural gas. These "synthetic" oils have virtually no sulfur content. The increased use of synthetic oils has caused the overall sulfur content of waste oil to decline. Based on data collected from several sources (several million gallons of waste oil were tested for sulfur content) the waste oil sulfur content between 2016 and 2017 averaged at or below 0.25 percent by weight. The Department believes the sulfur content of waste oil will continue to decrease slightly over the next several years. Therefore, the Department has determined that the current waste oil sulfur content limit should be reduced from 0.75 percent by weight to 0.25 percent by weight. Compliance with the proposed waste oil sulfur content limit will be required after July 1, 2023.

Removal of subdivision 225-1.3(e) from the regulation

This subdivision cites section 117 of article 5 of the Energy Law. This section of the Energy Law allows the Governor to pre-empt the requirements of Subpart 225-1 if an energy or fuel supply emergency is declared. The Department has determined that authority to declare an emergency lies within the Energy Law and not this regulation and therefore is redundant in this regulation.

Removal of paragraph 225-1.4(c)(2) from this regulation

This paragraph is outdated and less stringent than the sulfur-in-fuel requirements of the table in subdivision 225-1.2(b) of this Subpart. Therefore, the paragraph is being removed from the regulation.

Stakeholder Meeting

The Department held a stakeholder webinar on January 29th, 2019 to discuss proposed revisions to Subpart 225-1. The Department solicited comments on the proposed rule from the stakeholders. The stakeholder webinar consisted of attendees from the regulated community affected by the proposed regulation, consultants (both technical and legal), interested environmental groups, and the environmental justice communities.

COSTS

Costs to Regulated Parties and Consumers:

The Department does not anticipate that this proposed change will increase fuel costs to process and incineration sources. The distillate oil pipeline changed over to 15 ppm sulfur distillate oil in 2011 in anticipation of the 2013 Subpart 225-1 changes requiring home heating oil and stationary combustion sources to fire 15 ppm oil.

A NYSEERDA report indicates that the oil refining industry has almost completely changed over to the production of 15 ppm distillate oil. Using data from the 2015 emissions inventory forward, the Department has confirmed that process and incineration sources subject to Title V are burning 15 ppm sulfur content fuels. Accordingly, the Department does not anticipate any increase in fuel costs for these sources.

The Department does not anticipate an increase in cost for purchasers/end users of waste oil based on the proposed reduction in the waste oil sulfur content limit from 0.75% to 0.25%. The waste oil sulfur content is reducing based on the increased use of synthetic oils that contain minimal to zero sulfur compounds. Thus, the actual surveyed data shows that the sulfur content of waste oil has been steadily decreasing over the past several years.

Costs to State and Local Governments:

Based on the Department's permitting data, no state nor local government facilities will be affected by these proposed regulatory changes. Therefore, the Department does not anticipate any additional costs will be incurred by state and local governments associated with these revisions. Also, no new recordkeeping, reporting, or other requirements will be imposed on state and local governments based on this rulemaking.

Costs to the Regulating Agency:

The Department will encounter some initial administrative costs associated with the application review and permitting of the new sulfur-in-fuel limits for process sources, incinerators, and the new waste oil sulfur content limit. No additional monitoring, recordkeeping, or reporting requirements are being proposed under this rulemaking. Therefore, no additional costs will be incurred by the regulating agency based on these factors.

LOCAL GOVERNMENT MANDATES

This is not a mandate on local governments. Local governments have no additional compliance obligations as compared to other subject entities. Also, no additional monitoring, recordkeeping, reporting, or other requirements will be imposed on local governments under this rulemaking.

PAPERWORK

The proposed changes to Subpart 225-1 will create no additional paperwork for facilities currently subject to the requirements of this rule. The facilities that will become subject to this rule will be required to maintain fuel receipts.

DUPLICATION

The proposed revisions to Subpart 225-1 do not duplicate, overlap, or conflict with any other State or federal requirements.

ALTERNATIVES

The Department evaluated the following alternatives:

(1) Take no action: This alternative could prevent NYS from complying with its obligations under the CAA. If the Department does not implement this regulation, it would not be able to meet its obligations to maintain attainment of the PM-2.5 NAAQS in NYS. Also, without the promulgation of Subpart 225-1, NYS would not be reducing its regional haze impacts in the northeast. The reduction in sulfur-in-fuel waste oil limitation and inclusion of process sources and incinerators will directly result in reductions of SO₂, PM-10, and PM-2.5. Reductions of these air contaminants will aid NYS in meeting both its attainment goals for PM-2.5 and reduce the State's regional haze impact. This alternative would prevent the correction of any existing typographical errors.

(2) Partial implementation: This alternative would allow process and incineration sources and or waste oil firing sources to purchase higher sulfur content fuels or waste oils from out-of-state retailers. In either case, this alternative could prevent NYS from complying with its obligations under the CAA and prevent reductions of SO₂, PM-10, and PM-2.5 emissions.

FEDERAL STANDARDS

The revisions to Subpart 225-1 do not exceed any minimum federal standards. The reductions will lower the standards to the point where they would be equivalent to the sulfur-in-fuel standards of both 40 CFR 60 New Source Performance Standards and 40 CFR 63 National Emission Standards for Hazardous Air Pollutants.

COMPLIANCE SCHEDULE

The rule takes effect 30 days after filing notice of adoption with the New York State Department of State. Compliance with the proposed waste oil sulfur content limit will be required after July 1, 2023.

Revised Regulatory Flexibility Analysis

EFFECT OF RULE

The Department proposes to revise Subpart 225-1. The proposed rulemaking will apply statewide. Small businesses are those that are independently owned, located within New York State (NYS), and that employ 100 or fewer persons. The proposed changes to the subpart 225-1 requirements flow from the State's obligations under the federal Clean Air Act and State Laws. The proposed revisions do not constitute a mandate on local governments. The Subpart 225-1 requirements apply equally to every stationary source that fires oil in NYS. The proposed changes to Subpart 225-1 will not affect small businesses or local governments differently from any other source subject to this rule.

COMPLIANCE REQUIREMENTS

The proposed rule will entail the inclusion of process sources and incinerators as stationary emission sources to which these revisions will apply in NYS and lower sulfur-in-fuel limits for waste oil. Minimal changes will be made in the monitoring, recordkeeping, or reporting requirements in the current version of Subpart 225-1. The revisions will include the allowance of vendor fuel receipts as an acceptable monitoring practice for sources not required to monitor with a continuous emissions monitor. Applicable sources will be required to keep the vendor receipts and make them available for Department inspection upon request. Therefore, minimal new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

PROFESSIONAL SERVICES

The proposed rule will now specifically include process sources and incinerators as stationary emission sources to which these revisions apply in NYS and lower sulfur-in-fuel limits for distillate oil, residual oil, and waste oil. Facilities subject to this rule are simply required to purchase compliant fuels and keep the purchase receipts. Therefore, the Department does not expect small businesses or local governments will need to hire additional professional services to comply with the provisions of the proposed rule.

COSTS

Stationary sources subject to the Subpart 225-1 provisions are not expected to incur any significant increases in operating costs associated with this proposed regulation.

Local governments are not expected to incur any increases in operating costs associated with this proposed regulation.

MINIMIZING ADVERSE IMPACTS

The Department does not expect any adverse impacts on small businesses and local governments throughout NYS. Subpart 225-1 is a statewide regulation. Its requirements are the same for all facilities. The Department does not anticipate small businesses or local governments to be impacted differently than other sources subject to the proposed changes to Subpart 225-1.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

During the drafting of Subpart 225-1, the Department held a stakeholder

webinar on January 29th, 2019. The webinar was held to give representatives from the end users, which included the small business and local government stakeholders, an opportunity to meet with Department staff and discuss various issues during the rulemaking process. During the webinar, the Department fielded questions and comments from the stakeholders regarding the proposed changes to the regulation.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The Department collected data from several sources that handle or fire waste oil throughout NYS. The data was based on several million gallons of waste oil. The Department determined that the sulfur content of waste oil has been steadily declining from 2016 through 2017. This trend is based upon the growing use of synthetic motor oils in vehicles. Synthetic motor oils are made from natural gas and contain very minimal levels of sulfur. The synthetic motor oils created from natural gas also have a nearly zero sulfur content. Thus, the overall mixture of the synthetic motor oil and traditional motor oil in the waste oil stream is consistently at or below the proposed waste oil sulfur content limitation of 0.25 percent by weight and has been deemed a technically feasible limit. Finally, the Department does not anticipate any significant economic impacts associated with these proposed changes.

CURE PERIOD OR AMELIORATIVE ACTION

The Department is not including a cure period in this rulemaking. The purpose of this regulation is to provide timely emissions reductions, delaying enforcement of the regulation adversely affects such emissions reductions.

INITIAL REVIEW

The initial review of this rule shall occur within the third year after this rule is adopted.

Revised Rural Area Flexibility Analysis

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS AFFECTED

The proposed rule (6 NYCRR Subpart 225-1) is not expected to have a substantial adverse impact on rural areas in New York State (NYS). The proposed rulemaking will apply statewide and thus all stationary sources that fire oil in NYS will be equally affected.

Rural areas are defined as rural counties in NYS that have populations of less than 200,000 people, towns in non-rural counties where the population densities are less than 150 people per square mile, and villages within those towns.

REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES

The proposed rule will entail the inclusion of process sources and incinerators as stationary emission sources to which these revisions apply in NYS and lower sulfur-in-fuel limits for waste oil. Minimal changes will be made in the monitoring, recordkeeping, or reporting requirements in the current version of Subpart 225-1. The revisions will include the allowance of vendor fuel receipts as an acceptable monitoring practice for sources not required to monitor with a continuous emissions monitor. Applicable sources will be required to keep the vendor receipts and make them available for Department inspection upon request. Therefore, minimal new compliance requirements will be incurred by stationary sources subject to the provisions of the proposed rule.

COSTS

Stationary sources subject to the Subpart 225-1 provisions are not expected to incur any increases in operating costs associated with this proposed regulation.

MINIMIZING ADVERSE IMPACT

The Department does not expect any adverse impacts on rural areas. There will be positive environmental impacts from the regulation in rural areas. Rural areas should witness improved visibility with an associated decrease in airborne particulate matter and acid deposition.

Subpart 225-1 is a statewide regulation. Its requirements are the same for all facilities, and rural areas are impacted no differently than other areas in the state.

RURAL AREA PARTICIPATION

During the drafting of Subpart 225-1, the Department held a stakeholder webinar on January 29th, 2019. The webinar was held to give representatives from end users, which include rural-area stakeholders as well as industry, an opportunity to meet with Department staff and discuss various issues during the rulemaking process. During the webinar, the Department fielded questions and comments from the stakeholders regarding the proposed changes to the regulation.

INITIAL REVIEW

The initial review of this rule shall occur within the third year after this rule is adopted.

Revised Job Impact Statement

The edits made to the Express Terms do not require any changes to the JIS.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

Five Commenters commented on the proposed revisions to 6 NYCRR Subpart 225-1 (Subpart 225-1). This document summarizes those comments and the Department's responses.

General Comments:

One Commenter suggested that some smaller facilities may not have excess capacity or inventory available to blend higher sulfur content oil with lower sulfur content oil to meet the new 0.25% sulfur standard. The Department's response acknowledged that the proposed regulation allows for the blending of waste oil as a compliance option while also noting that this is not the only option available to meet the standard.

Multiple Commenters encouraged the Department to conduct a broader survey to determine if a 0.25% limit is achievable and commercially viable. The Department responded that it believes the survey completed between 2016 and 2017 provided an adequate sample size of waste oil collected to set the proposed waste oil sulfur content limit and that additional data collection is not necessary.

Some Commenters also advocated for allowing local authorities to regulate and permit waste oil. The Department responded that combustion facilities in New York State are regulated and permitted by the Department, pursuant to the State's Environmental Conservation Law. While local authorities may require additional permits, the New York City Department of Environmental Protection (NYCDEP) is currently the only local air permitting agency in New York State that issues air permits (the NYCDEP has banned the burning of waste oil throughout the City). All facilities that own or employ non-exempt air emission source(s) must submit an air permit application to the New York State Department of Environmental Conservation for approval in the form of an issued air permit.

Rule Applicability:

Some Commenters sought clarification about which fuels are being regulated and whether this regulation applies to incinerators. The Department confirmed that the proposed regulation applies to the oil fired at waste-to-energy plants but not the solid waste that these facilities incinerate. The Department also reiterated that the proposed regulation does not regulate the sulfur content of process materials or waste materials fired in process sources or incinerators.

Cost vs. Environmental Benefit:

Multiple Commenters suggested that the proposed rule change will potentially impose significant costs on facilities with little environmental benefit. One of these Commenters argued that reducing emissions of particulate matter and sulfur dioxide was not necessary because New York State is already in attainment for these pollutants. The Commenter also stated stricter limits on burning waste oil will be counterproductive and will actually result in an increase in overall emissions. The Department's response noted that there are additional compliance options available in the rule that could reduce the potential for significant cost increases. The Department also noted that while New York State is currently in attainment with the National Ambient Air Quality Standards for PM-2.5, PM-10, and sulfur dioxide, these standards must continue to be maintained. Reducing the maximum sulfur content will help ensure continued attainment and will have continuing environmental benefits.

Additional Commenters stated that while the sulfur content of waste oil has and continues to decrease, used oil processors continue to receive batches with significantly higher sulfur content. The Commenters suggested alternative compliance limits. The Department's response acknowledged that some sources still generate waste oil with a higher sulfur content than the proposed waste oil limit. However, as newer sources required to use synthetic oils, which contain minimal or no sulfur content, either replace older sources or simply enter service, the percentage of these sources that remain in operation will decrease. Thus, the sulfur content of waste oil generated will continue to decrease. Waste oil with a sulfur content higher than the proposed limit can still be burned in certain sources throughout the State. This is allowed if the source uses the equivalent emission rate option under Section 225-1.4, which includes blending or sulfur dioxide control equipment.

Another Commenter stated that the proposed changes will hit small used oil processors hard. To successfully manage oil under the new stricter sulfur standard, the Commenter maintained that compliance options will all significantly increase the company's costs as well as the costs for the generators of the oil. The Commenter also stated that additional time to comply with the regulation would mitigate some of the costs. The Department's response acknowledged that the Commenter identified acceptable compliance options and also noted that the proposed rule does not require the installation of new equipment, i.e., additional tank capacity, which may be necessary to blend higher sulfur waste oil to meet the required sulfur content. The Department acknowledged that there may be some costs associated with various compliance options, but any such costs would be dependent upon the business decisions made by the Commenter. Finally, the Department agreed that additional time to comply is warranted and has extended the compliance period of the proposed regulation (see 'Transition Period' below).

Equivalent Sulfur Dioxide Emission Rate:

A Commenter suggested that fuel mixtures or equivalent emission rate variances should be expanded to include process sources. The Department's response noted that the current Subpart 225-1 and the proposed Subpart 225-1 both allow process sources to use equivalent emission rates as a compliance option.

Other Commenters stated that a statewide level of 0.25% may not allow facilities that employ pollution control technologies to continue to purchase and fire waste oil. The Department's response noted that there are multiple compliance options available in the regulation, including the use of an equivalent sulfur dioxide emission rate emission controls.

Monitoring Requirements:

The Department received a comment stating that process sources should not be required to install CEMs to monitor sulfur dioxide emissions. The Department's response clarified that the intent of the regulation is not to require process sources to install CEMS to monitor sulfur dioxide emissions. This requirement has been revised in the express terms to require stationary combustion installations and incinerators greater than 250 million British thermal units heat input install CEMS.

Transition Period:

The Department received several comments requesting a transition period to comply with the proposed requirements of the revised regulation. Based on these comments, the Department has set a compliance date of July 1, 2023.

The Department also received comments regarding the impact of COVID-19 on the timeline for the promulgation of this proposed regulation. The Department's initial timeline for implementing the proposed regulation, as stated in the supporting documents, was the Spring of 2020. Due to the impacts of the COVID-19 pandemic, the public comment period for this regulation was extended and the proposed revisions to the regulation are now expected to be adopted by the end of 2020 or early in 2021.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Application of Site-Specific Criteria to Class I and Class SD Waters

I.D. No. ENV-03-21-00010-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 703.4 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 3-0301(2)(a), 17-0301(5)(c)(3) and 17-0301(5)(c)(7)

Subject: Application of Site-Specific Criteria to Class I and Class SD Waters.

Purpose: Add site-specific criteria to Class I and SD waters to provide additional water quality protection of the existing best uses.

Public hearing(s) will be held at: 2:00 p.m., March 23, 2021 at Electronic webinar.

Instructions on how to "join" the hearing webinar and provide an oral statement will be posted on the Department's events calendar and proposed regulations webpage by Wednesday, January 20, 2021. Department's events calendar may be accessed at <https://www.dec.ny.gov/calendar/>. The proposed regulations webpage for 6 NYCRR § 703.4 may be accessed at: <https://www.dec.ny.gov/regulations/121933.html>.

Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the 703.4 public comment hearing.

The Department will provide interpreter services for hearing impaired persons at no charge upon written request submitted no later than March 9, 2021. The written request must be addressed to ALJ McBride, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ McBride at ohms@dec.ny.gov.

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

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

Text of proposed rule:

Title 6 of the New York Codes, Rules, and Regulations (NYCRR) § 703.4, entitled "Water quality standards for coliforms, enterococci, and E. coli." is amended as follows:

A new subdivision (g) within section 703.4 is adopted to read as follows:
 (g) *Site-Specific Enterococci*
 Standards in the table below will be assessed as a geometric mean of samples collected over a 30-day period during the recreational season of May 1st through October 31st. The recreational season may be expanded in any instance where the department determines it necessary to protect human health or the best usages of the waters, or where required by State or Federal law or interstate compact. Units for the standard are number per 100 mL (colony-forming units or most probable number).

Waterbody Name	Regulatory Segment ID	Waterbody Classification	Site-Specific Standard Boundaries	Standard					
Hudson River (portion)	864-1	I	Entire Regulatory Segment	35	Bodine Creek	890-45	SD	Entire Regulatory Segment	35
Coney Island Creek	890-5	I	Entire Regulatory Segment	315	Trib. of Kill Van Kull	890-49	SD	Entire Regulatory Segment	35
Erie Basin	890-6.1	SD	Entire Regulatory Segment	35	Trib. of Kill Van Kull	890-50	SD	Entire Regulatory Segment	35
Gowanus Canal	890-7	SD	Entire Regulatory Segment	35	East River	890-52	I	Entire Regulatory Segment	35
Raritan Bay Portion	890.11	I	Entire Regulatory Segment	35	East River	890-53	I	Entire Regulatory Segment	35
Arthur Kill (portion)	890-12	I	Entire Regulatory Segment	115	Lower Newtown Creek, Whale Creek, Dutch Kills, and Maspeth Creek	890-54	SD	From the mouth at East River upstream to the head of the turning basin, just north of Maspeth Ave. Includes all of Whale Creek, Dutch Kills and Maspeth Creek.	35
Arthur Kill (portion)	890-13	I	Entire Regulatory Segment	70	Upper Newtown Creek and English Kills	890-54	SD	From the head of the turning basin, just north of Maspeth Ave, upstream to terminus of the main stem of the Creek and all other upstream tribs. Includes all of English Kills.	115
Newark Bay	890-14	SD	Entire Regulatory Segment	35					
Kill Van Kull	890-15	SD	Entire Regulatory Segment	115					
New Creek	890-18	I	Entire Regulatory Segment	35					
Great Kill Creek	890-19	I	Entire Regulatory Segment	35					
Oakwood Creek	890-20	I	Entire Regulatory Segment	35					
Bedell Avenue Creek	890-27	I	Entire Regulatory Segment	35	Harlem River, Little Hell Gate, Bronx Kill	890-56	I	Entire Regulatory Segment	35
Mill Creek	890-28	I	Entire Regulatory Segment	35	Harlem River	890-56.1	I	Entire Regulatory Segment	35
Tribs. of Arthur Kill	890-30	SD	Entire Regulatory Segment	115	Tribs. of Jamaica Bay	891-2	I	Entire Regulatory Segment	35
Fresh Kills	890-34	SD	Entire Regulatory Segment	115	Hook Creek	891-3	I	Entire Regulatory Segment	115
Tribs. of Arthur Kill	890-41	SD	Entire Regulatory Segment	115	Trib. of Hook Creek	891-4	I	Entire Regulatory Segment	115
Trib. of Arthur Kill	890-42	SD	Entire Regulatory Segment	115	Thurston Basin	891-8	I	Entire Regulatory Segment	115
Bridge Creek	890-44	SD	Entire Regulatory Segment	115	Bergen Basin	891-12	I	Entire Regulatory Segment	150

Hawtree Basin	891-13	I	Entire Regulatory Segment	35
Shellbank Basin	891-14	I	Entire Regulatory Segment	35
Trib. of Jamaica Bay	891-15	I	Entire Regulatory Segment	35
Old Mill Creek	891-16	I	Entire Regulatory Segment	35
Tribs. of Jamaica Bay	891-17	I	Entire Regulatory Segment	35
Sheepshead Bay	891-21	I	Entire Regulatory Segment	35
East River (10.1-12.3)	935-1	I	Entire Regulatory Segment	35
East River (12.3-14.5)	935-2	I	Entire Regulatory Segment	35
Steinway Creek	935-4	SD	Entire Regulatory Segment	35
Trib. of East River	935-5	SD	Entire Regulatory Segment	35
Flushing Creek	935-6	I	Entire Regulatory Segment	115
Tribs. of East River	935-11	I	Entire Regulatory Segment	35
Alley Creek	935-13	I	Entire Regulatory Segment	70
Trib. of Little Neck Bay	935-17	I	Entire Regulatory Segment	35
Bronx River	935-18	I	Entire Regulatory Segment	35
Westchester Creek and Pugsley Creek	935-47	I	Entire Regulatory Segment	70

Text of proposed rule and any required statements and analyses may be obtained from: Michelle Tompkins, New York State Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, NY 12233-3500, (518) 402-8221, email: WQSrulemakings@dec.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: Pursuant to Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act, Short Environmental Assessment Form, a Negative Declaration, and a Coastal Assessment Form have been prepared and are on file with the Department.

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

Regulatory Impact Statement

The waters of New York State (both freshwater and saline) are grouped into classes and, within those classes, criteria are assigned to protect their best usages. There are five classes of marine waters defined in Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Part 701: SA, SB, SC, I, and SD.

The New York State Department of Environmental Conservation (NYSDEC) is proposing amendments to 6 NYCRR § 703.4 to improve

protection of the secondary contact recreation and fishing best uses in Class I and Class SD waters. Through this proposed rule making, NYSDEC is adding site-specific fecal indicator bacteria (FIB) for select Class I and Class SD waters (I/SD waters). The proposed site-specific FIB criteria are based on measurements of enterococcus bacteria and would supplement the current total and fecal coliform FIB criteria for these waters.

The proposed rule making would add a new paragraph (g) to 6 NYCRR § 703.4. The proposed rule making does not make any changes to 6 NYCRR § 701.13 or 701.14. The best uses of the I/SD waters were, and remain, “secondary contact recreation and fishing” and “fishing,” respectively.

The proposed rule making would impact limited waters of the State; the affected I/SD waters are located in and around New York City (NYC).

1. Statutory authority:

The general authority to promulgate regulations is found in New York State Environmental Conservation Law (ECL) § 3-0301(2)(a). ECL § 3-0301(2)(a) provides that the Commissioner of NYSDEC may adopt regulations to carry out the purposes of the ECL in general.

ECL § 17-0301(5)(c)(3) requires NYSDEC to adopt basic criteria for coliform FIB to protect for “Sources of water for bathing, fishing, boating, and any other usages except shellfishing for market purposes in tidal salt waters...” ECL § 17-0301(5)(c)(7) further authorizes NYSDEC to “adopt and assign more restrictive standards for the best usages of the waters of the state.” Using that authority, the proposed rule making adds site-specific FIB criteria to provide additional protections for the I/SD waters but does not alter or modify the existing FIB criteria (total and fecal coliform). The proposed site-specific FIB criteria are for enterococcus criteria.

2. Legislative objectives:

ECL § 3-0301(2)(a) was enacted with the purpose of providing NYSDEC the authority to “adopt, amend, or repeal environmental standards, criteria, and those rules and regulations having the force and effect of standards and criteria...”

ECL § 17-0301(5)(c) provides more specific requirements on how FIB criteria shall be regulated in NYS waters to protect, among other things, recreational uses.

ECL § 17-0301(5)(c)(7) provides the authority to impose more restrictive criteria.

3. Needs and benefits:

The current FIB criteria that protect secondary contact recreation and fishing best uses in the Class I waters are fecal and total coliform criteria, as per ECL § 17-0301(5)(c)(3) and 6 NYCRR § 703.4 (as amended in 2015). Those same FIB criteria are also used to protect the fishing best use in the Class SD waters. Pursuant to ECL § 17-0301(5)(c)(7) the Department has the authority to impose more restrictive criteria. The proposed site-specific FIB enterococcus criteria are more restrictive than the current criteria and are a better indicator of fecal pollution in marine waters.

NYC is currently under an administrative consent order with NYSDEC to abate and control combined sewer overflows (CSOs) which discharge raw sewage to the waters in and around NYC during wet weather events. A key component of the consent order is that NYC must draft and submit Long Term Control Plans (LTCPs) to NYSDEC for approval, and then implement such approved LTCPs. The LTCPs detail the CSO loads to the waters, the impacts those loads have on water quality, recommended plans to eliminate or reduce the CSO loads, and identify practices to implement based on a cost-benefit analysis. LTCPs includes a Financial Capability Analysis performed according to the “Combined Sewer Overflows: Guidance for Financial Capability Assessment and Schedule Development” (USEPA, 1997). In these analyses, NYC is required to assess the cost of CSO abatement measures for water quality improvement against the median household income of ratepayers (the “Residential Indicator” or “RI”) and the “Financial Capability Indicators” (FCI) of the City as a whole, considering among other things municipal bond rating, unemployment rates, and tax revenues. The scores of these analyses are combined into a matrix to determine overall impact, and most of the NYC CSO projects are classified as a “medium-burden” financially. This is ideal, as a “high-burden” project would mean NYC is overextending financial capability, and a “low-burden” score means NYC is not maximizing available resources.

The current NYC LTCPs also include evaluations of enterococcus levels in the subject waters. This includes modeling of enterococcus levels following construction of the practices included in the LTCPs. The proposed rule making takes the modeled enterococcus attainment levels and memorializes them in NYS regulations as site-specific FIB criteria to provide a better measure of the health of the waterbodies.

4. Costs:

The proposed rule making does not impose costs upon NYSDEC, the State, or local governments.

The proposed rule making memorializes water quality attainment levels projected to be reached by completion of LTCPs, which NYC is currently

obligated to complete under an administrative consent order. Funds to complete those LTCPs have already been committed and are not affected by the proposed rule making.

(A) New York City

In NYC, there are numerous municipal wastewater treatment plants and several other regulated parties that discharge into I/SD waters. All current dischargers are required to disinfect their effluent, as such, no significant additional costs will be incurred by these facilities. As mentioned above, NYC is already obligated through an administrative consent order to implement its LTCPs, and therefore, the proposed rule making does not impose costs on regulated persons or local governments in NYC above and beyond costs that are currently required.

5. Local government mandates:

The proposed rule making does not impose mandates on local governments. As discussed in Section 4 of this statement, the proposed rule making also does not impose any mandates that are not already required.

6. Paperwork:

No paperwork - record keeping or reporting - will be imposed.

7. Duplication:

The amendments to 6 NYCRR § 703.4 cause no duplication, overlap or conflict with any other state or federal government programs or rules.

8. Alternatives:

Alternatives to this proposal include: (1) No action, or not amending 6 NYCRR § 703.4.

No Action – Although NYC is under an administrative consent order to complete the LTCPs, there is no regulatory mechanism in place to ensure that the water quality end goals projected by the LTCPs are attained.

9. Federal standards:

There are currently no federal FIB criteria required or recommended for the protection of secondary contact recreation and fishing best uses.

10. Compliance schedule:

The proposed rule making does not require a compliance schedule.

Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed rule making applies to any local governments and/or small businesses that have permitted discharges of treated and untreated sanitary sewage into Class I or Class SD waters (I/SD waters). The affected I/SD waters are located in and around New York City (NYC).

2. Compliance Requirements:

In NYC, there are numerous municipal wastewater treatment plants and several other regulated parties that discharge into I/SD waters. All current dischargers are required to disinfect their effluent, as such, no significant additional costs will be incurred by these facilities. NYC is already obligated, through an administrative consent order, to implement its Long Term Control Plans (LTCPs), and therefore, the proposed rule making does not impose any costs on regulated entities or local governments beyond those costs that are currently required.

The proposed rule making does not require a compliance schedule.

3. Professional Services:

NYC is already obligated to implement its LTCPs, and therefore, the proposed rule making does not require professional services beyond those costs that are currently required. As part of the previously obligated work, professional services of consulting engineers would likely be needed for the design and construction management of pollution abatement facilities. Consulting engineers provide the sampling and analysis, modeling, engineering, facilities planning, project development and management expertise to assist NYC in implementation of future projects.

4. Compliance Cost:

The Regulatory Impact Statement (RIS) discusses the costs of complying with the proposed rule making. However, as discussed above and in the RIS, there are no new costs to regulated parties, small businesses, or local and state governments associated with the proposed rule making. The regulated parties are currently required by legal consent orders to implement LTCPs. Upon completion of construction projects prescribed by the LTCPs, the site-specific FIB criteria established in the rule making are projected to be attained.

5. Economic and Technological Feasibility:

The proposed rule making further protects the existing secondary contact recreation and fishing best uses in the I/SD waters by creating site-specific FIB criteria based on measurements of enterococcus. The site-specific FIB criteria are more stringent criteria than currently is required for these waters. However, various technologies exist that can be used for pollution abatement to comply with the site-specific criteria. NYC is already obligated, through implementation of their LTCPs, to make certain infrastructure upgrade investments, and therefore, the proposed rule making does not require technologies beyond those already required.

6. Minimizing Adverse Impact:

As discussed above and in the RIS, there are no new costs to regulated parties, small businesses, or local and state governments associated with

the proposed rule making. The proposed rule making takes the modeled enterococcus attainment levels from the LTCPs and memorializes them in NYS regulations as site-specific FIB criteria. NYC is already obligated to develop and implement the LTCPs under an administrative consent order.

LTCPs includes a Financial Capability Analysis performed according to the “Combined Sewer Overflows: Guidance for Financial Capability Assessment and Schedule Development” (USEPA, 1997). In these analyses, NYC is required to assess the cost of CSO abatement measures for water quality improvement against the median household income of ratepayers (the “Residential Indicator” or “RI”) and the “Financial Capability Indicators” (FCI) of the City as a whole, considering among other things municipal bond rating, unemployment rates, and tax revenues. The scores of these analyses are combined into a matrix to determine overall impact, and most of the NYC CSO projects are classified as a “medium-burden” financially. This is ideal, as a “high-burden” project would mean NYC is overextending financial capability, and a “low-burden” score means NYC is not maximizing available resources.

7. Small Business and Local Government Participation:

The proposed rule making relies upon ECL §§ 3-0301 and 17-0301 for statutory authority, both of which require NYSDEC to hold a public hearing to receive comments from stakeholders on the proposed rule making.

8. Cure Period or Other Opportunity for Ameliorative Action:

The proposed rule making does not modify or establish violations or penalties, therefore no cure period is required.

Rural Area Flexibility Analysis

The proposed rule making does not impact any rural areas as defined in New York State Administrative Procedure Act Section 102(10). The proposed rule making would impact limited waters of the state, the affected Class I and SD waters are located in and around New York City. There are no designated rural areas in New York City. Therefore, the New York State Department of Environmental Conservation has determined that a Rural Area Flexibility Analysis is not required.

Job Impact Statement

A job impact statement is not required for the proposed rule making because it does not have a substantial adverse impact on jobs and employment opportunities. The New York State Department of Environmental Conservation (NYSDEC) is proposing amendments to 6 NYCRR § 703.4 to add site-specific fecal indicator bacteria (FIB) criteria to Class I and Class SD waters (I/SD waters) to protect the secondary contact recreation and fishing best usages. The proposed site-specific FIB criteria are based on measurements of enterococcus bacteria and would supplement the current total and fecal coliform FIB criteria for these waters.

The proposed rule making would impact limited waters of the state; the affected I/SD waters are located in and around New York City (NYC).

The proposed rule making does not result in the loss of any jobs in New York State. Therefore, NYSDEC has determined that a Job Impact Statement is not required.

Department of Financial Services

EMERGENCY RULE MAKING

Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services

I.D. No. DFS-03-21-00011-E

Filing No. 3

Filing Date: 2021-01-05

Effective Date: 2021-01-05

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

Action taken: Amendment of Part 2 of Title 23 NYCRR.

Statutory authority: Financial Services Law, sections 102, 201, 202, 302, 305; State Administrative Procedure Act, section 301

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

Specific reasons underlying the finding of necessity: On March 7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202 declaring a disaster emergency in the State of New York in response to the novel coronavirus (“COVID-19”) pandemic, which has been extended. COVID-19 has spread to millions of people worldwide, with several

hundred thousand confirmed cases in New York State. While the number of individuals currently testing positive in the State has diminished sharply, there are still numerous cases of New Yorkers testing positive for the virus and there has been a sharp increase in the number of individuals testing positive in many other states. Given the public health implications related to COVID-19, it is essential that the Department of Financial Services promulgate regulations that implement protective measures, whenever possible, to help stop its spread.

This amendment adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department of Financial Services (“Department”) may conduct administrative hearings by videoconference at the Department’s discretion. This is being done so that the parties and hearing officers do not have to be physically present at the same location during hearings. A hearing officer will determine, upon a timely objection filed by the respondent or applicant that a hearing held by videoconference would either impinge upon the respondent’s or applicant’s due process rights, or would be fundamentally unfair or impractical, as expressed in section 2.19(d) of the regulation, if a hearing will be held via videoconference.

The Department is taking special precautions during this unprecedented health crisis to minimize the spread of COVID-19 by, among other things, reducing the number of individuals who may enter the Department’s offices at any given time. Therefore, conducting an administrative hearing by videoconference protects the safety of those participating in, or witnessing the hearing, by avoiding personal contact in a way that will help limit the spread of COVID-19. It is thus imperative that this amendment be promulgated on an emergency basis for the public’s general welfare and the preservation of public health.

Subject: Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services.

Purpose: To specify that the Department of Financial Services may conduct administrative hearings by videoconference.

Text of emergency rule: Section 2.19 is added to read as follows:

§ 2.19 Hearings conducted by videoconference.

(a) At the discretion of the Department official who issued the notice of action or proposed action, a hearing held pursuant to this Part may be conducted by videoconference. When a hearing is conducted by videoconference, none of the parties nor the hearing officer need to be physically present at the same location.

(b) All provisions of this Part that are not inconsistent with the specific provisions of this section shall apply to hearings conducted by videoconference. For purposes of § 2.14(b) of this Part, the term hearing room shall mean videoconference when a hearing is conducted by videoconference.

(c) A respondent or applicant may object to conducting the hearing by videoconference by sending a written notice of the objection to the hearing officer by first class mail, overnight mail or electronic mail to an address or email address designated by the Department and posted on the Department’s website. The written notice of objection must be received by the hearing officer at least five business days before the time set for the hearing.

(d) In the event that the hearing officer receives a timely written objection to conducting the hearing by videoconference in accordance with subdivision (c) of this section, the hearing officer may determine that the hearing shall not be conducted by videoconference and shall be conducted with the respondent or applicant and the hearing officer physically present at the same location, when in the judgment of the hearing officer:

(1) the respondent’s or applicant’s due process rights would best be served by conducting a hearing in-person; or

(2) there are circumstances presented by the respondent or applicant that make proceeding with the hearing by videoconference fundamentally unfair or impractical.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire April 4, 2021.

Text of rule and any required statements and analyses may be obtained from: Sally Geisel, Department of Financial Services, One State Street, New York, NY 10004, (212) 480-7608, email: Sally.Geisel@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority: Financial Services Law (“FSL”) Sections 102, 201, 202, 302 and 305 and the State Administrative Procedure Act Section 301.

FSL Section 102 states the legislative goals for the Department of Financial Services (“Department”) as including, among other things, “to establish a modern system of regulation, rule making and adjudication that is responsive to the needs of the banking and insurance industries and to the needs of the state’s consumers and residents”, and “to promote the reduction and elimination of fraud, criminal abuse and unethical conduct by, and with respect to, banking, insurance and other financial services institutions and their customers”.

FSL Section 201 authorizes the Superintendent of Financial Services (“Superintendent”) to take such actions as she believes is necessary to, among other things, “foster the growth of the financial industry in New York and spur state economic development through judicious regulation and vigilant supervision”; “ensure the continued solvency, safety, soundness and prudent conduct of the providers of financial products and services”; and “eliminate financial fraud, other criminal abuse and unethical conduct in the industry”.

FSL Section 202 establishes the Office of the Superintendent.

FSL Section 302 empowers the Superintendent to, among other things, prescribe, amend, or withdraw rules and regulations involving financial products and services consistent with the Banking Law, Insurance Law, Financial Services Law, and any other law in which the Superintendent is given authority, including but not limited to governance of the procedures to be followed in the practice of the Department.

FSL Section 305 sets forth provisions regarding hearings held by the Department.

State Administrative Procedure Act (“SAPA”) Article 3 governs adjudicatory proceedings. SAPA Section 301 directs all state agencies subject to SAPA to adopt rules governing the procedures on adjudicatory proceedings and appeals.

2. Legislative objectives: The statutory sections cited above establish the Legislature’s intentions for the Superintendent to modernize adjudication proceedings; ensure the financial solvency and sound practices of the individuals and entities that are regulated by the Superintendent; and protect consumers from fraud, criminal abuse and unethical conduct through the Superintendent’s supervision and regulation of the financial services, banking and insurance industries. This proposed amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing sections by specifying that the Department may hold administrative hearings by videoconference.

3. Needs and benefits: On March 7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202 declaring a disaster emergency in the State of New York in response to the novel coronavirus (“COVID-19”) pandemic, which has been extended. COVID-19 has spread to millions of people worldwide, with several hundred thousand confirmed cases in New York State. While the number of individuals currently testing positive in the State has diminished sharply, there are still numerous cases of New Yorkers testing positive for the virus and there has been a sharp increase in the number of individuals testing positive in many other states. Given the public health implications related to COVID-19, it is essential that the Department promulgate regulations that implement protective measures, whenever possible, to help stop its spread.

This amendment adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department may conduct administrative hearings by videoconference at the Department’s discretion so that parties and hearing officers do not have to be physically present at the same location during hearings, subject to a determination by the hearing officer upon a timely objection filed by the respondent or applicant that a hearing held by videoconference would either impinge upon the respondent’s or applicant’s due process rights, or would be fundamentally unfair or impractical, as expressed in section 2.19(d) of the regulation. The amendment accords with the Legislature’s goals for the Department to modernize adjudication proceedings and protect the public from harmful actions committed by regulated parties, while also protecting the safety of those participating in or witnessing a hearing by avoiding personal contact in a way that will help limit the spread of COVID-19.

4. Costs: The rule making is not expected to impose any costs on any individual who or entity that may be impacted by the rule making.

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

6. Paperwork: The rulemaking should not result in any individual who or entity that is impacted by the amendment to generate any additional paperwork.

7. Duplication: The rule making does not duplicate, overlap, or conflict with any existing New York or federal laws, rules, or other legal requirements.

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

9. Federal standards: There are no minimum standards of the federal government for the same or similar subject areas.

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

Regulatory Flexibility Analysis

1. Effect of the rule: The rule making has the potential to impact small businesses as defined by State Administrative Procedures Act (“SAPA”) Section 102(8), which are defined as both independently owned and operated and have 100 or less employees. Licensees and non-licensees that are small businesses may become parties to Department of Financial Services (“Department”) adjudicatory proceedings for having been charged with a

violation of the Banking Law, Insurance Law, Financial Services Law, or any other law that authorizes the Superintendent of Financial Services to take action. The actual number of participants in adjudicatory proceedings in a given year may reach into the hundreds, based on prior history.

1. The rule making does not apply to any local government.
2. Compliance requirements: The rule making does not impose any recordkeeping, reporting or other affirmative acts upon any small business that may be impacted by this rule making, or any local government because the rule making does not apply to any local government.
3. Professional services: No small business impacted by the rule making will need to retain professional services to comply with the rule making, or any local government because the rule making does not apply to any local government.
4. Compliance costs: The rule making does not impose any compliance costs on any small business or local government.
5. Economic and technological feasibility: No small business impacted by the rule making should experience any economic or technological impact as a result of the rule making, or any local government because the rule making does not apply to any local government.
6. Minimizing adverse impact: The Department believes that no small business will be adversely affected by the rule making, or any local government because the rule making does not apply to any local government.
7. Small business and local government participation: The Department will comply with SAPA Section 202-b(6) by publishing the rule making in the State Register and posting the rule making on the Department's website.

Rural Area Flexibility Analysis

The Department of Financial Services finds that this rule making, which adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department may conduct administrative hearings by videoconference at the Department's discretion so that parties and hearing officers do not have to be physically present at the same location during hearings, subject to a determination by the hearing officer upon a timely objection filed by the respondent or applicant that a hearing held by videoconference would either impinge upon the respondent's or applicant's due process rights, or would be fundamentally unfair or impractical, as expressed in section 2.19(d) of the regulation, does not impose any additional burdens on persons located in rural areas, and will not have an adverse impact on rural areas because it applies uniformly to all persons that are resident or do business in both rural and non-rural areas of New York State.

Job Impact Statement

The Department of Financial Services ("Department") finds that this rulemaking should not adversely impact job or employment opportunities in New York. This rulemaking adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department may conduct administrative hearings by videoconference at the Department's discretion so that parties and hearing officers do not have to be physically present at the same location during hearings, subject to a determination by the hearing officer upon a timely objection filed by the respondent or applicant that a hearing held by videoconference would either impinge upon the respondent's or applicant's due process rights, or would be fundamentally unfair or impractical, as expressed in section 2.19(d) of the regulation.

The Department has no reason to believe that the rulemaking will result in any adverse impact on job or employment, including self-employment, opportunities in New York.

Action taken: Amendment of section 4621.1; repeal of section 4600.1(t) of Title 9 NYCRR.

Statutory authority: General Municipal Law, section 188-a(1); Racing, Pari-Mutuel Wagering and Breeding Law, section 104 (19)

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

Specific reasons underlying the finding of necessity: The Commission has determined that immediate adoption of this rule is necessary for the preservation of the public health and general welfare and that compliance with the requirements of subdivision 1 of Section 202 of the State Administrative Procedure Act would be contrary to the public interest.

The emergency rule would provide for contactless methods of payment, such as credit or debit cards, for chances in games of chance operated by authorized organizations pursuant to the charitable gaming laws. During the novel coronavirus pandemic ("COVID-19"), authorized organizations may wish to implement various contactless forms of payment to protect the health of the organization members assisting in the conduct of the games by limiting person-to-person contacts. The COVID-19 virus is very contagious and can be spread by asymptomatic persons. It may cause death or serious debilitation to those who contract the infection. The public health risk that would result from an organization's acceptance of only cash payments for chances would be minimized by accepting alternative forms of payment that can be accomplished in a more distanced manner, thus assisting the organizations in raising money for their worthy causes while protecting public health and minimizing potential exposures to the virus.

Subject: Contactless payment methods for chances in charitable games of chance.

Purpose: To promote public health and support of organizations authorized to operate games of chance.

Text of emergency rule: Subdivision (t) of section 4600.1 of 9 NYCRR would be repealed.

Section 4621.1 of 9 NYCRR would be amended to read as follows:
 § 4621.1. [Games of chance currency] *Permissible instruments for chance purchase.*

[Licensed authorized organizations may, in their discretion, use legal tender or a form of chip authorized by the commission in the conduct of games of chance.] *As set forth in General Municipal Law section 195-d(3), a player may purchase a chance with cash or, if the authorized organization wishes, with a personal check, credit card or debit card. As set forth in General Municipal Law section 186(20), games of chance currency in the form of scrip or chips authorized by the commission also may be used at the discretion of the games of chance licensee.*

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. SGC-50-20-00007-P, Issue of December 16, 2020. The emergency rule will expire April 3, 2021.

Text of 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 12305, (518) 388-3332, email: gamingrules@gaming.ny.gov

Regulatory Impact Statement

1. **STATUTORY AUTHORITY:** The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to General Municipal Law section 188-a(1) and Racing, Pari-Mutuel Wagering and Breeding Law section 104(19).

2. **LEGISLATIVE OBJECTIVES:** To conform regulations to statutes in regard to permissible methods of payments for chances in games of chance to enhance revenue opportunities for charitable and civic organizations and support organizations' wishes to implement contactless payment methods to protect public health.

3. **NEEDS AND BENEFITS:** The proposal cross-references statutory requirements and provides for methods of payments other than cash, such as personal checks, credit cards and debit cards. The use of contactless methods of payment would protect the public health by minimizing contact among authorized organization members conducting games of chance and persons wishing to support such organizations by playing games of chance. Because the authorized methods of payment would be set forth fully in the amended section 4621.1, the duplicative subdivision (t) of section 4600.1 would be repealed.

4. **COSTS:**
 (a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: No additional costs for regulated parties are anticipated for these rule amendments.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: None anticipated.

New York State Gaming Commission

EMERGENCY RULE MAKING

Contactless Payment Methods for Chances in Charitable Games of Chance

I.D. No. SGC-50-20-00007-E
Filing No. 1
Filing Date: 2021-01-04
Effective Date: 2021-01-04

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

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: Experience of agency staff.

5. LOCAL GOVERNMENT MANDATES: No impact is anticipated for local government.

6. PAPERWORK: These amendments do not impose any new paperwork requirements.

7. DUPLICATION: These rules do not duplicate, overlap or conflict with any existing federal requirements. They would make regulations consistent with New York statutes.

8. ALTERNATIVES: No alternatives were considered.

9. FEDERAL STANDARDS: There are no federal standards applicable to charitable games of chance. It is purely a matter of New York State law.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

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

The proposed rule amendments will not have any adverse impact on small businesses, local governments, jobs or rural areas. These rule amendments relate to the available methods of purchasing chances in charitable gaming games of chance and conform regulations to statute.

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

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

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

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

Department of Health

EMERGENCY RULE MAKING

Prohibition of Fireworks

I.D. No. HLT-03-21-00001-E

Filing No. 934

Filing Date: 2020-12-30

Effective Date: 2020-12-30

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

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

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

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

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

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

In addition, there has been evidence of incidents of increased use of

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

Subject: Prohibition of Fireworks.

Purpose: To prohibit the use of fireworks.

Text of emergency rule: A new Subpart 9-4, titled Prohibition of Fireworks, is added to read as follows:

9-4.1. Fireworks use prohibited

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

9-4.2. Penalties

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

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires March 29, 2021.

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

Regulatory Impact Statement

Statutory Authority:

The statutory authority for the regulatory amendment to Subpart 9-4 of Title 10 of the Official Compilation of Codes, Rules, and Regulations of the State of New York is section 225 of the Public Health Law (PHL), which authorizes the Public Health and Health Planning Council (PHHPC), subject to the approval of the Commissioner of Health (Commissioner), to establish and amend the State Sanitary Code (SSC) provisions related to any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York.

Legislative Objectives:

The legislative objective of PHL section 225 is to regulate all matters affecting the security of life or health or the preservation and improvement of public health in the State of New York. Prohibiting unpermitted use of fireworks in consistent with that authority.

Needs and Benefits:

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

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

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

Costs:

Costs to Regulated Parties:

Per Executive Order No. 202.47, Governor Andrew M. Cuomo directed and authorized the Department of Health to issue emergency regulations prohibiting the use of fireworks, consistent with section 270.00 of the Penal Law. Although there has been a long-standing prohibition against

fireworks in the Penal Law (subject to certain exceptions), the prohibition of their use and the establishment of a penalty through the PHL would permit violations to be subject to additional civil and criminal penalties provided for by law, including but not limited to criminal penalties under PHL section 12-b. For the purposes of civil penalties, these regulations impose a maximum fine of \$500 for the first violation (i.e., use of fireworks), \$1,000 for the second violation, and \$2,000 for each additional violation.

Costs to Local and State Governments:

Per Executive Order No. 202.47, Governor Andrew M. Cuomo directed and authorized the Department of Health to issue emergency regulations prohibiting the use of fireworks, consistent with section 270.00 of the Penal Law. Accordingly, under this regulation, local boards of health have authority to assess civil penalties for the use of fireworks. However, it is not anticipated that this regulation will impose any significant costs to state or local governments, as there has been a longstanding prohibition of fireworks within the Penal Law, and this regulation provides an additional enforcement mechanism for local governments.

Paperwork:

This regulation imposes no additional paperwork.

Local Government Mandates:

There are no specific mandates on local governments.

Duplication:

Per Executive Order No. 202.47, Governor Andrew M. Cuomo directed and authorized the Department of Health to issue emergency regulations prohibiting the use of fireworks, consistent with section 270.00 of the Penal Law. Although this regulation prohibits the use of fireworks in accordance with section 270.00 of the Penal Law, it also establishes a penalty for their use through PHL. Accordingly, there is no duplication of State law.

Alternatives:

The alternative would be to not promulgate the regulation. However, this alternative was rejected, as the Department of Health believes that this regulation will facilitate increased awareness and enforcement, and the regulation is consistent with Executive Order 202.47.

Federal Standards:

Federal regulations govern certain aspects of firework importation, distribution, storage, and use, as well as the types of fireworks that are legal. However, this regulation does not duplicate those standards and is consistent with the states' authority to place additional regulations on the use of fireworks.

Compliance Schedule:

The regulation became effective upon filing with the Department of State.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not being submitted with this regulation, as this regulation will not impose any adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments. Unpermitted use of fireworks is already illegal under section 270.00 of the Penal Law, this regulation provides penalties for their use through the Public Health Law. Further, this regulation does not distinguish between different types and sizes of regulated parties located in different geographical areas.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not being submitted with this regulation because it will not impose any adverse impact on any rural areas. This regulation has been promulgated in response to the directive contained in Executive Order No. 202.47, and will have uniform statewide application.

Job Impact Statement

The Department of Health has determined that this regulatory change will not have a substantial adverse impact on jobs and employment, based upon its nature and purpose.

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.

Prohibition on the Sale of Electronic Liquids with Characterizing Flavors

I.D. No.	Proposed	Expiration Date
HLT-53-19-00001-P	December 31, 2019	January 2, 2021

Niagara Falls Water Board

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

Adoption of Rates, Fees and Charges

I.D. No. NFW-03-21-00003-EP

Filing No. 937

Filing Date: 2020-12-30

Effective Date: 2021-01-01

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

Proposed Action: Amendment of section 1950.20 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1230-j

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

Specific reasons underlying the finding of necessity: The Niagara Falls Water Board recently considered estimates for its expenses and revenues for fiscal year 2021 commencing on January 1, 2021 and ending on December 31, 2021. As part of this consideration, the Board recognized an increase in expenses of operations necessary for the preservation of the public health, safety and general welfare and considered a projection of revenues from its existing rate payers in the City of Niagara Falls and related service area. In addition, the Board considered its debt service and its covenants with its bondholders. In order to maintain the Board on a sound financial status with sufficient resources to provide necessary water and wastewater services to all persons who use the System, the Board adopted an increase in the schedule of rates, fees and charges for users of the System.

Subject: Adoption of Rates, Fees and Charges.

Purpose: To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.

Text of emergency/proposed rule: Section 1950.20. Schedule of rates, fees and charges.

(a) This schedule sets forth the rates, fees and other charges applicable to the provision of water supply, wastewater and related services by the Niagara Falls Water Board to all property owners, users and other persons as of January 1, [2019] 2021. All property owners, users and other persons who receive services from the water board shall pay to the water board the rates, fees and charges set forth in this schedule.

(b) the following rates shall be charged and collected for the use of water within the city, supplied by the water board as hereby fixed and established:

- First 20,000 cu. ft. per quarter, [\$3.42] \$3.52 per 100 cu. ft.
- Next succeeding 60,000 cu. ft. per quarter, [\$2.96] \$3.05 per 100 cu. ft.
- Next succeeding 120,000 cu. ft. per quarter, [\$2.51] \$2.59 per 100 cu. ft.

Over 200,000 cu. ft. per quarter, [\$2.08] \$2.14 per 100 cu. ft.
The minimum charge for water consumed in any premises within the city for any quarter or portion thereof shall not be less than [\$44.40] \$45.73.

(c) The following rates shall be charged and collected for the use of water outside the city for residential and commercial purposes supplied by the water board as hereby fixed and established:

- First 20,000 cu. ft. per quarter, [\$9.13] \$9.40 per 100 cu. ft.
- Next 60,000 cu. ft. per quarter, [\$7.97] \$8.21 per 100 cu. ft.
- Next succeeding 120,000 cu. ft. per quarter, [\$6.64] \$6.84 per 100 cu. ft.

Over 200,000 cu. ft. per quarter, [\$5.59] \$5.76 per 100 cu. ft.
The minimum charge for water consumed in any premises located outside the city for domestic purposes for any quarter or portion thereof shall not be less than [\$118.68] \$122.23.

(d) Water used for testing fire hoses, filling tanks, swimming pools, testing sprinkler systems, and like use shall be billed at the highest residential unit rate enumerated in subdivision (b) of this section. The amount used may be either estimated in accordance with the size of the pipe through which taken at the pressure furnished, or determined by the use of a temporary meter rented to the user by the water board. The use of the latter method shall be at the discretion of the director and may require a refundable deposit.

(e) Use of hydrant for any purpose whatsoever shall be subject to a rental charge of \$1.50 per day or partial day.

(f) The cost of hydrant use will include a fee of \$35.00 for backflow device certification, payable at the time of hydrant use application. In addition, daily hydrant and meter rental rates and security deposit amounts shall be established by the director based upon the real cost to the water board.

(g) In addition to the above schedule rates for water consumed there shall be assessed a demand charge for each user's meter as set forth below.

Size and Type	Charge Per quarter
Under 1" Disc	\$3.70
1" Disc	\$25.00
1½" Disc	\$30.00
2" Disc	\$40.00
2" Compound	\$40.00
3" Compound	\$50.00
4" Compound	\$100.00
6" Compound	\$220.00
8" Compound	\$250.00
10" Compound	\$275.00
12" Compound	\$400.00

(h) The rates set forth in this section, however, shall not apply to any user of water with whom there is now outstanding a valid and binding contract with the city and/or water board to supply water at a rate different than the rates stated in this schedule, or to users obtaining water service from the Village of LaSalle prior to May 4, 1927.

(i) In the event the water board or the director terminates water supply service to any property owner or user, such property owner, user or users located at such property shall pay a reactivation fee in the amount of \$75.00 to the water board prior to the supply of water.

(j) There shall be small meter testing charge of \$100.00 for the bench testing of any meter less than two inches in size.

(k) An account reactivation charge of \$100.00 shall be applied whenever a meter is re-installed and an account reactivated.

(l) The water board shall charge a \$25.00 final read fee for all owner requested meter reads.

(m) A hydrant flow test charge shall be applied whenever an owner, user or his agent requests a hydrant flow test.

(n) The annual availability charge for private fire protection service shall be:

Diameter of Service Connection	Annual Fee
2" or less	\$66.00
3"	\$95.00
4"	\$168.00
6"	\$380.00
8"	\$670.00
10"	\$1,050.00
12"	\$1,510.00

(o) A backflow submittal fee of \$25.00 shall be charged for all backflow plans submitted to the water board for approval and forwarding to the State Health Department.

(p) There shall be a \$120.00 inspection fee for each request for a cross-connection inspection.

(q) In addition to the above rates, fees and charges, the following rates shall apply to all users with respect to sewer or wastewater services prescribed in the water board's wastewater regulations in Part 1960 of this Title. There shall be two user classes as provided in Part 1960 of this title, to wit: commercial/small industrial/residential users (CSIRU) and significant industrial users (SIU).

(1) CSIRU. Sewer rates for the CSIRU class are determined by total metered water consumption in each quarter. The schedule of quarterly charges for the CSIRU class shall be as follows:

SCHEDULE I

Minimum charge per quarter: [\$58.79] \$60.55 with a usage allowance of up to 1,300 cubic feet

Additional usage in excess of 1,300: [\$4.52] \$4.66 per 100 cubic feet

The following rates shall be charged and collected for the use of sewer outside the city for residential and commercial purposes as determined by

total metered water consumption per quarter. The schedule of quarterly charges for the users outside the city shall be as follows:

Minimum charge per quarter: [\$157.51] \$162.22 with a usage allowance of up to 1,300 cubic feet

Additional usage in excess of 1,300: [\$12.11] \$12.47 per 100 cubic feet (2) SIU.

(i) Conventional pollutant parameter charges. Sewer rates for the SIU class each quarter are based on measured quantities of the actual discharge parameters: flow, suspended solids and soluble organic carbon. Such determination shall be made by the water board and shall be based upon five representative 24-hour composite samples taken quarterly, at such locations as are adequate to provide proper representation. The schedule of charges for conventional pollutant parameters shall be as follows:

**SCHEDULE II
Pollutant Parameters Rate**

Flow	[\$3,179.91] \$3,274.99 per million gallons
Suspended Solids	[\$1.02] \$1.05 per pound
Soluble Organic Carbon	[\$1.76] \$1.81 per pound

(ii) Substances of concern parameter charges. SIU's, who have wastewater discharge permits which limit any substance of concern listed in Schedule III contained in this subparagraph, will be billed for discharge of these substances based on the unit rates shown in Schedule III. Discharge loading for billing purposes shall be determined by arithmetic average of the last six acceptable self-monitoring results. At the option of the SIU, increased self-monitoring can be performed. For billing purposes, when six or more acceptable results are obtained over the three month billing period, all such results shall be used in the computation of the arithmetic average, with a requirement that there be at least two sample results for each month. Average discharge loadings will then be multiplied by the corresponding unit rates from Schedule III to obtain total charges per quarter for each substance of concern listed in the SIU's wastewater discharge permit. All substances of concern charges will be added to the charges for conventional parameters, as specified in subparagraph (i) of this paragraph, to compute the total quarterly sewer rate.

**SCHEDULE III
SUBSTANCES OF CONCERN UNIT CHARGES**

Parameters	Unit Rate
Benzene	[\$350.92] \$361.41 per pound
Chloroform	[\$62.49] \$64.36 per pound
Dichloroethylenes	[\$381.82] \$393.24 per pound
Toluene	[\$16.92] \$17.43 per pound
Trichloroethanes	[\$79.35] \$81.72 per pound
Trichloroethylene	[\$101.27] \$104.30 per pound
Vinyl Chloride	[\$50.69] \$52.21 per pound
Monochlorotoluenes	[\$3.43] \$3.53 per pound
Tetrachloroethylene	[\$47.28] \$48.69 per pound
Total Phenols	[\$7.72] \$7.95 per pound

(iii) Billing. SIU charges shall be billed on a monthly basis by the water board. The first and second monthly billings in each quarter shall be estimated and shall be one-third of the total billing in the immediately preceding quarter. The third monthly bill in each quarter shall be based upon actual discharge quantities for that quarter and shall reflect adjustments for the estimated billings in that quarter.

(r) Unless the context specifically indicates otherwise, all terms contained herein shall have the meanings set forth in the regulations adopted by the water board in this Part and Part 1960 of this Title, as applicable.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire March 29, 2021.

Text of rule and any required statements and analyses may be obtained from: Sean W. Costello, General Counsel and Secretary, Niagara Falls Water Board, 5815 Buffalo Avenue, Niagara Falls, NY 14304, (716) 283-9770, email: scostello@NFWB.org

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

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

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

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

Public Service Commission

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Postponement of Delivery Rate, System Improvement Charge (SIC) and RAC/PTR Surcharge with Make Whole Starting on May 1, 2021

I.D. No. PSC-03-21-00002-EP

Filing Date: 2020-12-30

Effective Date: 2020-12-30

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

Proposed Action: The Commission adopted an order, on December 30, 2020, postponing New York American Water Company's (NYAW) approved water delivery rate increases and System Improvement Charge surcharge increases, postponing NYAW's Revenue Adjustment Clause/Property Tax Reconciliation surcharge until May 1, 2021, amending the previously approved make whole surcharge to, among other things, include certain carrying charges, which is set to become effective May 1, 2021, postponing implementation of NYAW's Incremental Property Tax Surcharge Statement until May 1, 2021, and approving implementation of a make whole surcharge.

Statutory authority: Public Service Law, sections 5(1), 89-b(1) and 89-c(10)

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

Specific reasons underlying the finding of necessity: Governor Andrew Cuomo, on March 7, 2020, declared a state of emergency due to the unprecedented coronavirus (COVID-19) pandemic that is now spreading rapidly throughout the state and country. The declaration, while necessary to protect the health, safety and general welfare of the public, has inevitably resulted in the temporary closure of many businesses and schools across the state. Given the potential for widespread financial hardships related to the COVID-19 pandemic, New York American Water seeks, among other things, Commission approval to postpone until May 1, 2021, its April 1, 2020 rate increase. Absent immediate Commission action, the approved rate increase would go into effect. In order to help alleviate the financial hardships customers may face, the postponement of the increase cannot wait for the 60 day comment period to expire.

Subject: Postponement of delivery rate, System Improvement Charge (SIC) and RAC/PTR surcharge with make whole starting on May 1, 2021.

Purpose: To assist customers in a time of hardship by delaying a rate increase and SIC increase and RAC/PTR surcharge implementation.

Substance of emergency/proposed rule: The Commission is considering a petition filed by New York American Water Company, Inc. (NYAW) on December 29, 2020.

Given the potential for widespread financial hardships related to the COVID-19 pandemic and in order to assist customers, NYAW is requesting an additional four-month postponement of NYAW's approved water delivery rate increases, originally scheduled to take effect on April 1, 2020, pursuant to its current four-year rate plan; an additional four-month postponement for the approved increase to the Company's System Improvement Charge (SIC) surcharge that was otherwise scheduled to take effect on or before August 1, 2020; a postponement of the Company's Revenue Adjustment Clause, Property Tax Reconciliation (RAC/PTR) surcharge (RAC) for an additional two months, until May 1, 2021; to amend the previously approved make whole surcharge, to among other things include certain carrying charges, which is set to become effective May 1, 2021; and to postpone implementation of the Company's Incremental Property Tax Surcharge Statement until May 1, 2021. NYAW also requests to implement a make whole surcharge on May 1, 2021, that would remain in effect through March 31, 2022.

The full record of the proceeding and the full text of the petition 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.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire March 29, 2021.

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Department of Public Service, 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 amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0259EP16)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Comprehensive Study to Identify Distribution and Transmission Investments in Accordance with the AREGCB Act

I.D. No. PSC-03-21-00006-P

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

Proposed Action: The Commission is considering The Initial Report on the New York Power Grid Study and the three system studies that comprise the Power Grid Study, filed by Department of Public Service Staff.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66; Accelerated Renewable Energy Growth and Community Benefit Act of 2020

Subject: Comprehensive study to identify distribution and transmission investments in accordance with the AREGCB Act.

Purpose: To support distribution and local transmission investments necessary to achieve the State's climate goals.

Substance of proposed rule: The Commission is considering, in accordance with the Accelerated Renewable Energy Growth and Community Benefit Act (the Act), Staff from the Department of Public Service (Department Staff), with the support of the New York State Energy Research and Development Authority, The Brattle Group, and Pterra Consulting, a Power Grid Study (PGS), three transmission system studies, and a related report entitled "The Initial Report on the New York Power Grid Study" (Initial Report).

The primary purpose of the PGS is to inform planning for the bulk transmission and local transmission and distribution (T&D) investments that will be necessary to achieve the clean energy mandates established under the Climate Leadership and Community Protection Act (CLCPA). The CLCPA mandates include achievement of 70% renewable generation by 2030 (70 by 30 mandate), zero emissions from the statewide electrical demand system by 2040, and an 85% decarbonized economy by 2050. The CLCPA also requires that load serving entities procure at least 6,000 MW of distributed solar photovoltaics by 2025 and 9,000 MW of offshore wind (OSW) by 2035, and support 3,000 MW of statewide energy storage capacity by 2030.

The three studies that comprise the PGS are (1) a study conducted by the Joint Utilities on local transmission and distribution needs (Utility Study); (2) a study of offshore and onshore bulk-power transmission infrastructure scenarios, and related environmental permitting considerations, to illustrate possible solutions to integrate into the transmission grid 9,000 MW of OSW generation by 2035 (OSW Study); and (3) a statewide scenario-based study to analyze transmission, generation, and storage options for achieving 70% renewable generation by 2030 and a zero-emissions grid by 2040 (Zero Emissions Study).

The Initial Report discusses the overall results of these studies and makes recommendations for future steps in planning the State's grid. In general, the Initial Report finds that existing bulk transmission projects either under construction or going through required permitting place the State in position to achieve its interim 2030 goals, although significant upgrades to the utilities' local T&D systems will be necessary. The Initial Report concludes that the anticipated 9,000 MW of OSW generation can be integrated into the State's transmission system by 2035 without major

onshore bulk transmission upgrades (beyond expanding Long Island bulk transmission links and local upgrades in New York City). The Initial Report also notes that a zero-emission statewide electric demand system may be achievable by 2040 without extensive expansion of the State's bulk power grid beyond downstate congestion-relief projects and a new high voltage direct current line delivering dispatchable renewable energy into New York City. However, the Initial Report cautions that these conclusions rely on study simulations that are more idealized and optimized than is likely achievable.

In addition to its general conclusions about the state of the grid, the Initial Report identifies potential distribution, local transmission, and bulk transmission projects that may be needed to accomplish the State's goals. Among these are planned and future upgrades to the utilities' local T&D systems, potential projects related to the integration of OSW with the mainland transmission systems, and potential projects addressing expected future congestion costs as fossil-fired generation is phased out.

The Initial Report also offers recommendations concerning the prioritization of the State's electric system investments, the coordination of planning processes, and the role of advanced transmission technologies, including a recommendation that the State's utilities begin deploying technologies that have been tested and offer significant benefits. Finally, the Initial Report suggests additional studies are needed to better understand operational challenges and generation and storage technology options, and to quantify existing headroom in various transmission-constrained areas on the local and bulk transmission systems, among other things.

The full text of the Initial Report and the PGS and the full text 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 findings, recommendations, and conclusions of the report and the underlying studies.

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

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

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

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

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

(20-E-0197SP4)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Waiver of Certain Rules, i.e., 7-Day Installation Requirements Pertaining to Cable Television Franchise

I.D. No. PSC-03-21-00007-P

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

Proposed Action: The Commission is considering a petition for certain waivers filed by Verizon New York Inc. in connection with a proposed amendment of a cable television franchise with the City of New York (New York, Queens, Kings, Bronx, and Richmond Counties).

Statutory authority: Public Service Law, sections 215 and 216

Subject: Waiver of certain rules, i.e., 7-day installation requirements pertaining to cable television franchise.

Purpose: To determine whether to waive any rules and regulations.

Substance of proposed rule: The Commission is considering a petition filed on December 30, 2020 by Verizon New York Inc. (Verizon) for waivers of certain Commission rules in connection with a proposed amendment of the cable television franchise between Verizon and the City of New York, New York, Queens, Kings, Bronx and Richmond Counties (the City).

The petition requests waivers and/or partial waivers of cable franchise requirements found in 16 NYCRR § 895.5(b)(3) and § 890.91(b)(1) related to establishing a seven-business day installation interval for providing service to certain dwellings. Verizon proposes, instead, to extend the

time for standard installation for an additional seven business days and to extend the time for non-standard installations to the end of the term of the agreement, i.e., July 16, 2023.

Verizon submits that, as a new entrant and to the cable market, the requested waivers are necessary to compete against well-entrenched cable providers that have existing customer bases. In addition, Verizon submits that greater flexibility for an efficient build-out is needed in light of the geographical and logistical challenges associated with operating in the City of New York and obtaining access to multiple-dwelling units (MDUs). Verizon further submits that the requested waivers will assist it to meet a network-creation rate of approximately 92%, which rate was agreed upon between Verizon and the City of New York and Verizon pursuant to an arm's-length negotiation.

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

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

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

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

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

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

(08-V-0624SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Authorization to Recover Costs for Three Transmission Projects and Related Mechanisms

I.D. No. PSC-03-21-00008-P

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

Proposed Action: The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. to recover through a surcharge mechanism the costs of three transmission projects and to adopt a mechanism to recover incurred costs for halted projects.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Authorization to recover costs for three transmission projects and related mechanisms.

Purpose: To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Substance of proposed rule: The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. (Con Edison or the Company) on December 30, 2020, seeking authority to recover costs related to three transmission projects intended to address local system reliability needs.

The three transmission projects are the Rainey to Corona Project, the Gowanus to Greenwood Project, and the Goethals to Fox Hills Project. The purpose of these projects is to address system reliability needs resulting from the expected retirement of certain gas-fueled peaker plants located in New York City. As stated in the petition, the retirements are related to the inability of these plants to comply with regulations adopted by the New York State Department of Environmental Conservation (DEC) that limit nitrogen oxide emissions during the ozone season.

The owners of the affected peaker plants in Con Edison's service territory have indicated that they will retire their generators or utilize the "ozone season stop" allowed under the DEC rules. Thus, Con Edison has projected that it will need to perform transmission reinforcements to ensure the reliability of its electric system. Each project proposed by the Company would provide 300 megawatts of capability to solve the reliability needs of the areas where these projects are to be constructed.

In addition, Con Edison asserts that these transmission projects would further the goals of New York's Climate Leadership and Community Protection Act (CLCPA) because, among other things, they would replace

facilities that emit greenhouse gases, bring near-term improvement in air quality in economically disadvantaged communities where the peaker plants are located, and enable “pathways” in constrained Transmission Load Areas, which Con Ed asserts would facilitate the delivery of renewable generation from upstate New York or off-shore.

Con Edison also requests that the Commission authorize it to recover the costs associated with developing and constructing the transmission projects initially from its customers, to be included in a CLCPA “cost tracker” described in the petition. The Company also requests that it be authorized to establish a “halting mechanism” to address the potentiality that one or more of the transmission projects would become unnecessary (after initiation of the development process) because another project proposed by a third party may be selected to resolve the local reliability need at issue. Under the proposed halting mechanism, the Company would be allowed to recover its incurred costs prior to and/or following the suspension of a project, including its financial obligations to third-parties.

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

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

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

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

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

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

(19-E-0065SP2)

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

Waiver of Regulation and Tariff Provisions to Allow for More Time to Recover the Deposit for Electric Infrastructure

I.D. No. PSC-03-21-00009-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 the petition of WTW Development LLC to extend the deadline by which the lots of in its housing development must be sold before it loses its deposit with National Grid.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Waiver of regulation and tariff provisions to allow for more time to recover the deposit for electric infrastructure.

Purpose: Whether the extension of the deadline is in the public interest.

Substance of proposed rule: The Commission is considering the petition of WTW Development LLC (WTW or Company) filed on November 23, 2020 to extend the deadline by which it must sell all of the lots associated with a recently developed housing development before the Company loses its deposit filed with National Grid related to the installation of electric and gas infrastructure at the development.

Under Commission regulations, (1) a developer such as WTW must provide the local utility with a deposit equal to the cost of installing electric and gas service lines in housing developments as a pre-condition for the utility performing such work, (2) the local utility is required to then refund to the developer for a period of up to five years the portion of the deposit associated with the lots sold and energized, and (3) at the end of the five year period, the utility is authorized to retain any remaining deposit. WTW states in its petition that it had completed 26 homes in a housing subdivision, before selling the remaining lots to another developer. The petition further states that the buildout of all of the lots at issue by another developer has been delayed because of executive orders related to the COVID-19 pandemic issued by the Governor, as well as worker-safety requirements implemented by the company in light of the pandemic.

WTW states that the deposit for the electric and gas infrastructure in the entire development (Electric Utility: \$3,774.00; Gas Utility: \$5,518.00)

paid to National Grid is in its name and the five year deadline expired as of November 30, 2020. WTW requests a six month extension of the deadline.

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

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

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

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

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

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

(20-M-0670SP1)

State University of New York

NOTICE OF ADOPTION

Appointment of Employees; Eligibility

I.D. No. SUN-37-20-00002-A

Filing No. 935

Filing Date: 2020-12-30

Effective Date: 2021-01-20

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

Action taken: Amendment of section 335.4(d) of Title 8 NYCRR.

Statutory authority: Education Law, sections 353 and 355

Subject: Appointment of Employees; Eligibility.

Purpose: To allow for the addition of one year to the service limits for current faculty to attain continuing appointment.

Text or summary was published in the September 16, 2020 issue of the Register, I.D. No. SUN-37-20-00002-EP.

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

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

Assessment of Public Comment

The agency received no public comment.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-03-21-00010-P	Application of Site-Specific Criteria to Class I and Class SD Waters	<p>Electronic webinar—March 23, 2021, 2:00 p.m. Instructions on how to “join” the hearing webinar and provide an oral statement will be posted on the Department’s events calendar and proposed regulations webpage by Wednesday, January 20, 2021. Department’s events calendar may be accessed at: https://www.dec.ny.gov/calendar/. The proposed regulations webpage for 6 NYCRR § 703.4 may be accessed at: https://www.dec.ny.gov/regulations/121933.html Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the 703.4 public comment hearing. The Department will provide interpreter services for hearing impaired persons at no charge upon written request submitted no later than March 9, 2021. The written request must be addressed to ALJ McBride, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ McBride at ohms@dec.ny.gov.</p>
Public Service Commission		
PSC-45-20-00004-P	Major Gas Rate Filing	<p>Department of Public Service, 19 Fl. Board Rm., 3 Empire State Plaza, Albany, NY—February 16, 2021, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-E-0429</p>
PSC-45-20-00005-P	Major Electric Rate Filing	<p>Department of Public Service, 19 Fl. Board Rm., 3 Empire State Plaza, Albany, NY—February 16, 2021, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-E-0428</p>
PSC-02-21-00006-P	Disposition of a Sales Tax Refund Received by New York American Water, Inc.	<p>The Public Hearing will be held online and by telephone. Details for access will be published via Notice at the DPS website (www.dps.ny.gov) under Case 20-W-0654—April 19, 2021, 10:00 a.m. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-W-0654.</p>

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

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

AAM-12-20-00006-P 04/01/21	Calibrating and testing of certain weights and measures standards and devices.	To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices.
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ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

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

CHILDREN AND FAMILY SERVICES, OFFICE OF

*CFS-46-19-00002-RP	..... 04/01/21	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-04-20-00009-P	..... 04/01/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-46-20-00001-P	..... 11/18/21	Amendment to community guardian program regarding who can complete the annual evaluation or examination	Amendment to community guardian program regarding who can complete the annual evaluation or examination

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-49-20-00006-EP	12/09/21	Maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days.	Remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs.
CFS-51-20-00003-P	12/23/21	Outlining the procedures for requesting and conducting criminal history disqualification reviews	Outlining the procedures for requesting and conducting criminal history disqualification reviews
CFS-03-21-00004-P	01/20/22	Implement rules re: release of original birth certificate or related identifying info. to adult adopted & other specific persons	Implement rules re: release of original birth certificate or related identifying info. to adult adopted & other specific persons
CIVIL SERVICE, DEPARTMENT OF			
CVS-03-20-00003-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00004-P	04/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-03-20-00005-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-03-20-00006-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-03-20-00007-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-06-20-00001-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-20-00002-P	04/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-20-00003-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00004-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00005-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-20-00006-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-06-20-00007-P	04/01/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
CVS-06-20-00008-P	04/01/21	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CVS-13-20-00002-P	04/01/21	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2020
CVS-13-20-00009-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-13-20-00010-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00011-P	04/01/21	Jurisdictional Classification	To delete positions from the exempt class
CVS-13-20-00012-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00013-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00014-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00015-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-13-20-00016-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00017-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00018-P	04/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-20-00019-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00020-P	04/01/21	Jurisdictional Classification	To delete positions in the non-competitive class
CVS-13-20-00021-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00022-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00023-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00024-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes.
CVS-13-20-00025-P	04/01/21	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-18-20-00004-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00005-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00006-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00007-P	05/06/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-20-00008-P	05/06/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-18-20-00009-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00010-P	05/06/21	Jurisdictional Classification	To delete positions from the non-competitive class

Action Pending Index**NYS Register/January 20, 2021**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-24-20-00002-P	06/17/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-24-20-00003-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00004-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00005-P	06/17/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-20-00006-P	06/17/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-20-00007-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00008-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00009-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00010-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-20-00004-P	07/15/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-28-20-00005-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00006-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00007-P	07/15/21	Jurisdictional Classification	To delete a position from the exempt class
CVS-28-20-00008-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00009-P	07/15/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-20-00010-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-28-20-00011-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00012-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-20-00003-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00004-P	08/12/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes
CVS-32-20-00005-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00006-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-41-20-00002-P	10/14/21	Jurisdictional Classification	To delete positions from and to classify a subheading and positions in the exempt class
CVS-41-20-00003-P	10/14/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-20-00004-P	10/14/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-20-00005-P	10/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-20-00006-P	10/14/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-41-20-00007-P	10/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-49-20-00002-P	12/09/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-49-20-00003-P	12/09/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class.
CVS-49-20-00004-P	12/09/21	Jurisdictional Classification	To classify positions in the exempt class.
CVS-49-20-00005-P	12/09/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-02-21-00001-P	01/13/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-02-21-00002-P	01/13/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-02-21-00003-P	01/13/22	Jurisdictional Classification	To classify a position in the exempt class
CORRECTION, STATE COMMISSION OF			
*CMC-35-19-00002-P	04/01/21	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-34-20-00001-P	08/26/21	Family Reunion Program	To clarify for logic and consistency, and make additional changes to the current Family Reunion Program
CRIMINAL JUSTICE SERVICES, DIVISION OF			
*CJS-30-19-00010-ERP	04/01/21	Use of Force	Set forth use of force reporting and recordkeeping procedures
CJS-19-20-00010-P	05/13/21	Part 364 - Conditional release conditions.	Conform to the recent changes made by the Legislature by removing the term "gravity knife".
CJS-44-20-00002-P	11/04/21	Intake for Article 7 (PINS)	Update existing Rule to reflect services which will be performed by Probation departments

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-03-21-00005-P	01/20/22	Familial Search Policy and Unidentified Human Remains	Add unidentified human remains to familial searching for identification where the remains are those of a victim of a crime
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-48-20-00001-P	12/02/21	Employee Training Incentive Program	To update the administrative processes for the ETIP program
EDUCATION DEPARTMENT			
*EDU-17-19-00008-P	04/01/21	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	04/01/21	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
EDU-11-20-00013-RP	04/01/21	Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures	To address volume of special education due process complaints in the New York City due process system
EDU-16-20-00002-ERP	04/22/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-20-20-00008-ERP	05/20/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-30-20-00005-RP	07/29/21	Creating a Safety Net for the School Building Leader Assessment	To create a safety net for the School Building Leader Assessment
EDU-48-20-00003-P	12/02/21	Regional Bibliographic Data Bases and Interlibrary Resources Sharing Program	Update and clarify certain terminology related to the use of technology in libraries and to reflect new technologies.
EDU-52-20-00018-EP	12/30/21	Addressing the COVID-19 crisis	To address issues resulting from the COVID-19 crisis and to provide regulatory flexibility due to the COVID-19 crisis
EDU-52-20-00019-P	12/30/21	Requirements for Awarding the NYS Seal of Biliteracy	To update the requirements for awarding the NYS Seal of Biliteracy
EDU-52-20-00020-P	12/30/21	Content Core Requirement in Computer Science Teacher Preparation Programs	To make the content core requirement for the Computer Science certificate aligned with the NYS Computer Science Standards
EDU-52-20-00021-P	12/30/21	Conferral of the Degree of Doctor of Medicine (M.D.) by the Board of Regents	To conform the law with the statutory requirements for issuance of an M.D. to foreign-educated applicants
EDU-52-20-00022-P	12/30/21	Implementation of the Crown Act	To implement Chapter 95 of the Laws of 2019, known as the Crown Act
EDU-52-20-00023-EP	12/30/21	Instruction to prevent child sexual exploitation and child sexual abuse in grades K-8	Implementation of chapter 187 of the Laws of 2019

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-52-20-00024-P	12/30/21	Uniform Violent or Disruptive Incident Reporting (VADIR) System, Also Known as the School Safety and Educational Climate Report	Update the definitions of violent and disruptive incidents for purposes of the VADIR and update the School Violence Index
EDU-01-21-00002-EP	01/06/22	Addressing the COVID-19 crisis and planning for the reopening of schools	To provide regulatory flexibility due to the COVID-19 crisis and to plan for the reopening of schools
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
*ENV-36-19-00003-P	04/01/21	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.
*ENV-37-19-00003-RP	04/01/21	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-06-20-00018-P	04/16/21	The repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles	To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.
ENV-06-20-00019-P	04/16/21	Consumer Products	Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household.
ENV-06-20-00020-P	04/16/21	New Source Review requirements for proposed new major facilities and major modifications to existing facilities.	To conform to federal NSR rule requirements and related court rulings, correct typographical errors, and clarify rule language.
ENV-12-20-00001-EP	03/25/21	Regulations governing commercial fishing of Tautog (blackfish).	To revise regulations concerning the commercial harvest of Tautog in New York State.
ENV-17-20-00005-P	04/29/21	The above referenced Parts make up the Department's air pollution control permitting program.	The purpose of this rulemaking is to improve the clarity and consistency of the Department's air pollution permitting program
ENV-33-20-00005-P	08/19/21	Repeal of Section 485.1	To remove outdated and redundant references in the Department's regulations
ENV-36-20-00002-P	09/09/21	Deer Hunting Seasons	Establish a bow and muzzleloader deer hunting season in the Southern Zone during the Christmas and New Year holiday week
ENV-42-20-00003-EP	10/21/21	Sanitary Condition of Shellfish Lands	To reclassify underwater shellfish lands to protect public health
ENV-47-20-00004-P	11/25/21	Inland trout stream fishing regulations	To revise and standardize inland trout stream fishing regulations
ENV-47-20-00005-P	11/25/21	Sportfishing (freshwater) and associated activities	To revise and simplify sportfishing regulations and associated activities
ENV-01-21-00003-P	01/06/22	Regulations governing recreational fishing for striped bass	To require circle hooks when fishing recreationally for striped bass using bait
ENV-03-21-00010-P	03/23/22	Application of Site-Specific Criteria to Class I and Class SD Waters	Add site-specific criteria to Class I and SD waters to provide additional water quality protection of the existing best uses

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	..... exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	..... exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-43-19-00017-P	..... 04/01/21	Independent Dispute Resolution for Emergency Services and Surpsise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-36-20-00007-P	..... 09/09/21	Superintendent's Regulations: Information Subject to Confidential Treatment	Provide rules concerning publication or disclosure of information subject to confidential treatment
DFS-45-20-00007-P	..... 11/10/21	Office of Pharmacy Benefits	To establish the Office of Pharmacy Benefits and rules for the Drug Accountability Board
DFS-49-20-00011-P	..... 12/09/21	Credit for Reinsurance	To conform to covered agreements entered into between the US and EU and the US and UK, and implement NAIC models.
DFS-52-20-00001-P	..... 12/30/21	Principle-Based Reserving	To prescribe minimum principle-based valuation standards
GAMING COMMISSION, NEW YORK STATE			
SGC-34-20-00009-P	..... 08/26/21	Qualification time in harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-40-20-00001-P	..... 10/07/21	To expressly permit veterinary technicians to practice in horse racing	To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-44-20-00012-P	..... 11/04/21	Allowing licensed lottery courier services to purchase and deliver lottery tickets to customers	To facilitate the sale of lottery tickets to generate additional revenue for education
SGC-50-20-00006-P	..... 12/16/21	Participation in the management and operation of charitable games of chance	To maintain integrity and accountability in the management and operation of games of chance
SGC-50-20-00007-P	..... 12/16/21	Contactless payment methods for chances in charitable gaming	To promote public health and support of organizations authorized to operate games of chance
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-36-19-00006-P	..... 04/01/21	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
*HLT-40-19-00004-P	..... 04/01/21	Drug Take Back	To implement the State's drug take back program to provide for the safe disposal of drugs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
*HLT-46-19-00003-P	04/01/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
*HLT-47-19-00008-P	04/01/21	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-51-19-00001-P	04/01/21	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	01/02/21	Prohibition on the Sale of Electronic Liquids with Characterizing Flavors	To prohibit the sale of electronic liquids with characterizing flavors
HLT-04-20-00003-P	04/01/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
HLT-04-20-00011-P	04/01/21	Nursing Home Case Mix Rationalization	To authorize the Department of Health to change the case mix acuity process for all nursing homes.
HLT-11-20-00003-P	04/01/21	Adult Day Health Care (ADHC)	To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program
HLT-27-20-00006-P	07/08/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals
HLT-28-20-00019-P	07/15/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP
HLT-31-20-00012-EP	exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
HLT-38-20-00006-P	09/23/21	Medicaid Transportation Program	Medicaid payment standards for emergency ambulance providers participating in an Emergency Triage, Treat & Transport (ET3) model
HLT-38-20-00008-EP	09/23/21	Revise Requirements for Collection of Blood Components	To facilitate the availability of human blood components while maintaining safety
HLT-39-20-00003-EP	09/30/21	Reduce Hospital Capital Rate Add-on and Reduce Hospital Capital Reconciliation Payment	To include a 5 percent reduction to the budgeted and actual capital add-on in Article 28 hospital inpatient reimbursement rates
HLT-40-20-00002-EP	10/07/21	Hospital Indigent Care Pool Payment Methodology	To develop an indigent care distribution methodology for calendar years through 2022
HLT-45-20-00002-P	11/10/21	Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers

HOUSING AND COMMUNITY RENEWAL, DIVISION OF

*HCR-21-19-00019-P	04/01/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of flow-income housing tax credits.
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
HCR-26-20-00012-EP	09/09/21	Schedule of Reasonable Costs for Major Capital Improvements in rent regulated housing accommodations	Provide a schedule of reasonable costs for Major Capital Improvements in rent regulated housing accommodations
HOUSING FINANCE AGENCY			
*HFA-21-19-00020-P	04/01/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-28-20-00031-RP	07/15/21	Source of funding reporting	Clarifying amendments to Source of Funding reporting
JPE-28-20-00032-RP	07/15/21	Amendments to the lobbying regulations	To clarify the lobbying regulations that implement the provisions of the Lobbying Act
LABOR, DEPARTMENT OF			
*LAB-46-19-00004-P	04/01/21	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAB-49-20-00012-P	12/09/21	Sick Leave Requirements	To provide definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law
LAKE GEORGE PARK COMMISSION			
LGP-29-20-00006-P	09/22/21	Amendment of Stormwater Regulations within the Lake George Park	To more adequately control and minimize the pollutants found in stormwater runoff from going into Lake George
LGP-43-20-00005-P	01/12/22	Stream corridor protection regulations for the Lake George Park	To establish permit requirements and standards for the protection of stream corridors in the Lake George Park
LAW, DEPARTMENT OF			
LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
LPA-37-20-00008-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-37-20-00009-P	..... exempt	Consolidated billing for community distributed generation	To modify the Tariff to offer consolidated billing options for community distributed generation consistent with the NY PSC
LPA-37-20-00010-P	..... exempt	To modify the RDM and DSA to address the unforeseen impact of COVID-19	To modify the Tariff to mitigate high bill impacts and allow for additional expense recovery related to a state of emergency
LPA-37-20-00011-P	..... exempt	New optional TOU rates as proposed in PSEG Long Island's 2018 Utility 2.0 Filing and subsequent filing updates	To incorporate best practices in TOU rate design, reduce peak load, and offer customers new rate options
LPA-37-20-00012-P	..... exempt	The Authority's implementation of PSL § 66-p in the Tariff for Electric Service	To update the Tariff to provide access to historical electric charges billed to a rental property
LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
LONG ISLAND RAILROAD COMPANY			
LIR-39-20-00005-ERP	..... 09/30/21	Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road	To safeguard the public health and safety on terminals, stations and trains operated by Long Island Rail Road
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
MBA-39-20-00007-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MENTAL HEALTH, OFFICE OF			
OMH-42-20-00011-EP	10/21/21	Comprehensive Psychiatric Emergency Programs	To provide clarify and provide uniformity relating to CPEPs and to implement Chapter 58 of the Laws of 2020
METRO-NORTH COMMUTER RAILROAD			
MCR-39-20-00004-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad	To safeguard the public health and safety by amending the rules to require use of masks when using Metro-North facilities
METROPOLITAN TRANSPORTATION AGENCY			
MTA-39-20-00009-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company	To safeguard the public health and safety by amending rules to require use of masks when using MTA Bus facilities and conveyance
NEW YORK CITY TRANSIT AUTHORITY			
NTA-39-20-00006-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-03-21-00003-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
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-39-20-00023-P	09/30/21	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc	To amend procurement guidelines to reflect changes in law and clarifying language
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
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-37-20-00004-ERP	09/16/21	Day Habilitation Duration	to help providers maintain capacity to operate during the public health emergency

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-49-20-00001-P	12/09/21	Medication regimen review	Change from a semi-annual review to an annual review. Increased flexibility for providers
PDD-02-21-00005-EP	01/13/22	Medical Consent	To assist providers in administering the COVID-19 vaccine
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-41-20-00009-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 Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified

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PUBLIC SERVICE COMMISSION			
*PSC-16-09-00010-P exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc

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

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PUBLIC SERVICE COMMISSION			
*PSC-05-10-00008-P exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff

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

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PUBLIC SERVICE COMMISSION			
*PSC-14-11-00009-P exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-20-19-00015-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility	Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00015-P	..... exempt	Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00016-P	..... exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-50-19-00004-P	..... exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
*PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
PSC-03-20-00009-P	..... exempt	Changes to the Utility Energy Registry	To determine appropriate rules for data availability
PSC-04-20-00014-P	..... exempt	Transfer of the Indian Point site, nuclear waste, and decommissioning and site restoration funds from Entergy to Holtec.	To protect the public interest.
PSC-07-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
PSC-10-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Family Energy, Inc. should be granted a waiver to offer two "green gas" products to mass market customers.
PSC-11-20-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-11-20-00008-P	..... exempt	Revisions to the proration tariff language.	To consider revisions to the proration tariff language under Leaf 18.1, 18 61 to 64 and Leaf 69.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-11-20-00011-P	..... exempt	Application of the Public Service Law to owners of a proposed 345 kilovolt (kV) transmission line providing wholesale services.	To determine whether to apply a lightened regulatory regime to the owners of a proposed 345 kV transmission line.
PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
PSC-12-20-00010-P	..... exempt	Direct Energy, LLC's Green Gas Products.	To consider whether Direct Energy, LLC should be allowed to offer two Green Gas Products to mass market customers.
PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
PSC-17-20-00008-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Alpha Gas & Electric, LLC should be permitted to offer its Green Gas Program to mass market customers.
PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
PSC-21-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Kiwi Energy NY LLC should be permitted to offer its Green Gas Products to mass market customers.
PSC-21-20-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-21-20-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether IGS Energy should be allowed to offer a Carbon-Neutral Gas Product and a Home Warranty Service Product.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-20-00006-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether IDT Energy, Inc. and Residents Energy, LLC should be permitted to offer Green Gas Products in New York.
PSC-23-20-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether American Power & Gas LLC should be permitted to offer its Green Gas Products to mass market customers.
PSC-23-20-00008-P	..... exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.
PSC-23-20-00010-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether AmeriChoice Energy should be permitted to offer its Green Gas Products to mass market customers.
PSC-24-20-00016-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the NRG Retail Companies should be permitted to offer Green Gas Products in New York.
PSC-24-20-00018-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Atlantic Energy, LLC should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-24-20-00020-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether CenStar Energy, Major Energy Services, and Spark Energy Gas should be permitted to offer Green Gas Products.
PSC-25-20-00009-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
PSC-25-20-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-20-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-25-20-00014-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether South Bay Energy Corp. should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-25-20-00015-P	..... exempt	Staff whitepaper on a Data Access Framework.	To standardize the necessary privacy and cybersecurity requirements for access to energy-related data.
PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
PSC-25-20-00017-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Marathon Energy should be permitted to offer Green Gas Products to mass market customers in New York.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-25-20-00018-P	..... exempt	Staff's whitepaper proposing an IEDR.	To collect and integrate a large and diverse set of energy-related information and data on one statewide platform.
PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
PSC-28-20-00020-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00027-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioners should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
PSC-29-20-00008-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
PSC-29-20-00011-P	..... exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of Opportunities for Broome, Inc for waiver of Opinion No. 76-17 and 16 NYCRR Part 96.
PSC-30-20-00006-P	..... exempt	Petition to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-31-20-00004-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00008-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Kiwi Energy NY LLC should be permitted to offer its Kiwi Guard product to mass market customers in New York.
PSC-31-20-00010-P	..... exempt	Submetering of electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-32-20-00014-P	..... exempt	The term for retention of a monetary crediting methodology.	To provide sufficient revenues to support financing, realize promised benefits from the project, and repay necessary re-work.
PSC-34-20-00004-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
PSC-34-20-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-35-20-00015-P	..... exempt	Request for waiver of 16 NYCRR 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-35-20-00016-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-20-00017-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer green gas products to mass market customers in New York.
PSC-36-20-00006-P	..... exempt	A debt financing arrangement with respect to a proposed 345 kilovolt (kV) transmission line providing wholesale services.	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.
PSC-37-20-00006-P	..... exempt	Con Edison's petition for a proposed Non-Pipeline Solutions portfolio and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-38-20-00003-P	..... exempt	Minor Rate Filing	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-39-20-00014-P	..... exempt	Tariff filing.	To determine if New York State Electric & Gas Corporation's tariff filing is consistent with the law and in the public interest.
PSC-39-20-00015-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-39-20-00016-P	..... exempt	Tariff filing.	To determine if Central Hudson Gas & Electric Corporation's tariff filing is consistent with the law and in the public interest.
PSC-39-20-00017-P	..... exempt	Tariff filing.	To determine if National Grid's tariff filing is consistent with the law and in the public interest.
PSC-39-20-00018-P	..... exempt	Tariff filing.	To determine if Rochester Gas and Electric Corporation's tariff filing is consistent with the law and in the public interest.
PSC-39-20-00019-P	..... exempt	Tariff filing.	To determine if Orange and Rockland Utilities, Inc.'s tariff filing is consistent with the law and in the public interest.
PSC-39-20-00020-P	..... exempt	Tariff filing.	To determine if Consolidated Edison Company of New York's tariff filing is consistent with the law and in the public interest.
PSC-39-20-00021-P	..... exempt	Authority to issue to long-term debt.	To consider Corning's request for authority to issue long-term debt.
PSC-39-20-00022-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-40-20-00003-P	..... exempt	NYSEG's petition for a proposed Non-Pipeline Alternatives portfolio of projects and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-40-20-00004-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-20-00005-P	..... exempt	Electric Generation Facility Cessation Mitigation Program Funding	To develop a funding mechanism for the Electric Generation Facility Cessation Mitigation Program.
PSC-40-20-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-40-20-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioner should be permitted to offer green gas and home warranty products to mass market customers.
PSC-40-20-00008-P	..... exempt	A benefit for electric utility customers in communities that host a major renewable energy facility.	To consider a just and reasonable benefit for electric utility customers in renewable host communities.
PSC-40-20-00009-P	..... exempt	Amendments clarifying the sharing of revenue from the Energy Storage Program.	To ensure that Con Edison's tariff is clear regarding sharing of revenue when annual wholesale revenues exceed contract costs.
PSC-40-20-00010-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioner should be permitted to offer green gas and home warranty products to mass market customers.
PSC-41-20-00010-P	..... exempt	Disposition of a \$50 million municipal tax refund	To consider a disposition of a municipal tax refund for customer and company benefit
PSC-41-20-00011-P	..... exempt	Major gas rate filing.	To consider a proposed increase in Conning's gas delivery revenues of approximately \$6.3 million (23.4% in total revenues).
PSC-41-20-00012-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-41-20-00013-P	..... exempt	The proposed transfer of a Certificate of Environmental Compatibility and Public Need.	Consideration of whether the proposed transfer is in the public interest.
PSC-42-20-00006-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$41.8 million (or 9.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-42-20-00007-P	..... exempt	Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.
PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.
PSC-42-20-00009-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$100.4 million (or 3.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-43-20-00003-P	..... exempt	The use of \$50 million to support residential and commercial customers experiencing financial hardship	To consider whether the proposed support of ratepayers is in the public interest
PSC-44-20-00004-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-44-20-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-20-00006-P	..... exempt	Transfer of property interests in the Union Falls Hydroelectric Facility.	To determine whether to authorize the transfer of the Union Falls Hydroelectric Facility and the proper accounting treatment.
PSC-44-20-00007-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 90.5 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 90.5 MW electric generating facility.
PSC-44-20-00008-P	..... exempt	Lease of right-of-way and transfer of facilities.	To determine whether to authorize lease of right-of-way, transfer of facilities and the proper accounting treatment.
PSC-44-20-00009-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-44-20-00010-P	..... exempt	Transfer of natural gas pipeline facilities and ownership interests in those facilities, and an applicable regulatory regime.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfers and the facility owners.
PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-45-20-00004-P	..... exempt	Major gas rate filing	To consider an increase in Central Hudson's gas delivery revenues
PSC-45-20-00005-P	..... exempt	Major electric rate filing	To consider an increase in Central Hudson's electric delivery revenues
PSC-45-20-00006-P	..... exempt	Petition to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-46-20-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service.	To determine if approving the DPS Staff's recommendations is in the public interest.
PSC-46-20-00006-P	..... exempt	Amendments to the SIR.	To more effectively interconnect distributed generation and energy storage Systems 5 MW or less to the distribution system.
PSC-46-20-00007-P	..... exempt	Compliance of New York Transco LLC with the applicable portions of the Electric Safety Standards.	To consider the petition of New York Transco LLC for clarification of its responsibilities under the Electric Safety Standards.
PSC-46-20-00008-P	..... exempt	Compliance report by electric utilities on developing distribution and local transmission in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the the State's climate goals.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-46-20-00009-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-47-20-00006-P	..... exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-47-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-47-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-20-00004-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.
PSC-48-20-00006-P	..... exempt	PSC regulations 16 NYCRR 86.3(a)(2); 86.3(a)(2)(iv) and 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-48-20-00008-P	..... exempt	Proposed modifications to Rider T - Commercial Demand Response Program.	To consider revisions to Rider T - CDRP for the 2021 Capability Period.
PSC-48-20-00009-P	..... 12/02/21	Siting of major transmission facilities in new or existing rights of way that qualify for expedited process.	To establish expedited requirements for the siting, construction and operation of major transmission facilities.
PSC-49-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-49-20-00008-P	..... exempt	Amendments to modify provisions related to Emergency Electric Generators under General Information Section III (H).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-49-20-00009-P	..... exempt	Transfer of certain electric transmission facilities and easements.	To determine whether to authorize the proposed transfers and the proper accounting treatment.
PSC-49-20-00010-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-50-20-00004-P	..... exempt	Proposed transfer of the Company's assets to the Purchasers.	To determine if transfer of the water system to the Purchasers is in the public interest.
PSC-51-20-00006-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00007-P	..... exempt	Whitepaper on the ACOS method used by utilities in developing Standby and Buyback Service rates.	To standardize the utility ACOS methods and resulting rates, and to enable stand-alone energy storage systems.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-51-20-00008-P	..... exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 20.7%	To ensure adequate levels of Installed Capacity.
PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers.
PSC-51-20-00010-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00011-P	..... exempt	Lease of right-of-way and transfer of facilities.	To determine whether to authorize lease of right-of-way, and transfer of facilities and the proper accounting treatment.
PSC-51-20-00012-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00013-P	..... exempt	Competitive solicitations to procure 350mw of energy storage systems directed by the Commission's 2018 Energy Storage Order.	To ensure compliance with Public Service Law Section 74 and achieve state goals to install energy storage systems.
PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
PSC-52-20-00002-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-52-20-00003-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-20-00004-P	..... exempt	Use of pipeline refund.	To consider how a pipeline refund of \$2.26 million will be utilized by National Fuel.
PSC-52-20-00005-P	..... exempt	Clarification or reconsideration of a provision in a prior order.	To determine whether to clarify or reconsider a provision of a prior order regarding the implementation of Green Button Connect.
PSC-52-20-00006-P	..... exempt	Banked credit distribution rules and processes.	To ensure just and consistent banked credit distribution rules and processes.
PSC-52-20-00007-P	..... exempt	Negative performance factor adjustments applied to auto-dynamic load management and term-dynamic load management participants.	To improve multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-52-20-00008-P	..... exempt	Transfer of a natural gas pipeline and the associated certificate, and application of lightened and incidental regulation.	To determine whether the requested transfers and regulatory treatment are consistent with the law and the public interest.
PSC-52-20-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-52-20-00010-P	..... exempt	Proposed filing regarding capacity surcharge for ESCO transportation customers.	To ensure safe and reliable service for customer at just and reasonable rates.
PSC-52-20-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-52-20-00012-P	..... exempt	The upgrading of cellular antennas on an electric transmission tower.	To determine whether the upgrading of cellular antennas on an electric transmission tower is in the public interest.
PSC-52-20-00013-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-52-20-00014-P	..... exempt	The upgrading of cellular antennas on an electric transmission tower.	To determine whether the upgrading of cellular antennas on an electric transmission tower is in the public interest.
PSC-52-20-00015-P	..... exempt	The upgrading of cellular antennas on an electric transmission tower.	To determine whether the upgrading of cellular antennas on an electric transmission tower is in the public interest.
PSC-52-20-00016-P	..... exempt	Waiver of 16 NYCRR Sections 86.3(a)(1), 86.3(a)(2), and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-52-20-00017-P	..... exempt	Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC's proposed financing.	To review the proposed financing and consider whether it is within the public interest.
PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers.
PSC-01-21-00005-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-01-21-00006-P	..... exempt	A debt financing arrangement with respect to an electric transmission line under development.	To review the proposed financing and consider whether it is within the public interest.
PSC-01-21-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-01-21-00008-P	..... exempt	The revision of certain delivery rates for electric service.	To ensure safe and reliable service for customers at just and reasonable rates.
PSC-02-21-00006-P	..... exempt	Disposition of a sales tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-03-21-00002-EP	..... exempt	Postponement of delivery rate, System Improvement Charge (SIC) and RAC/PTR surcharge with make whole starting on May 1, 2021.	To assist customers in a time of hardship by delaying a rate increase and SIC increase and RAC/PTR surcharge implementation.
PSC-03-21-00006-P	..... exempt	Comprehensive study to identify distribution and transmission investments in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the State's climate goals.
PSC-03-21-00007-P	..... exempt	Waiver of certain rules, i.e., 7-day installation requirements pertaining to cable television franchise.	To determine whether to waive any rules and regulations.
PSC-03-21-00008-P	..... exempt	Authorization to recover costs for three transmission projects and related mechanisms.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-03-21-00009-P	..... exempt	The waiver of regulation and tariff provisions to allow for more time to recover the deposit for electric infrastructure.	Whether the extension of the deadline is in the public interest.
STATE, DEPARTMENT OF			
DOS-37-20-00015-P	..... 09/16/21	Siting of major renewable energy facilities	To establish procedural requirements for permits for siting, construction and operation of major renewable energy facilities
DOS-37-20-00016-P	..... 11/29/21	Siting permits for major renewable energy facilities	To establish uniform standards and conditions for siting, design, construction & operation of major renewable energy facilities
DOS-41-20-00001-P	..... 10/14/21	Public Playground Safety	Update public playground safety standards
DOS-48-20-00010-P	..... 12/02/21	Procedures and requirements related to the filing of certificates by the Department of State's Division of Corporations	To clarify and update procedures related to the filing of certificates with the Division of Corporations
DOS-51-20-00004-P	..... 12/23/21	Fair Housing Requirements for Appraisers and Assistant Appraisers	To Mandate Fair Housing Education as a Condition of Renewal
STATE UNIVERSITY OF NEW YORK			
*SUN-53-19-00005-P	..... 04/01/21	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-29-20-00004-EP	..... 07/22/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"
SUN-29-20-00005-EP	..... 07/22/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
SIR-39-20-00008-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations and trains operated by SIRTOA.	To safeguard the public health and safety by amending rules to require the use of masks when using terminals and stations.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-46-20-00003-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, 2021 through March 31, 2021
TAF-51-20-00002-EP	..... 12/23/21	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-16-20-00012-P	04/22/21	New York State Combined Application Project (NYSCAP)	To implement the NYSCAP, a new combined application project for recipients of Supplemental Security Income benefits, who have been designated as Live-Alone by the Social Security Administration and the State-funded SSI State Supplement Program
TDA-46-20-00002-P	11/18/21	Payment access cards	To update State regulations pertaining to payment access cards to align with Part V of Chapter 56 of the Laws of 2020

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

TBA-50-20-00005-P	exempt	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA	A proposal to raise additional revenue
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WORKERS' COMPENSATION BOARD

WCB-23-20-00004-P	06/10/21	EDI system updates	To require carriers to report certain credits taken for payments to claimants; biannual reports; EDI 3.1 updates
WCB-28-20-00003-EP	07/15/21	Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave	To clarify that employees may take PFL to care for a family member with COVID-19
WCB-42-20-00004-P	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-42-20-00005-P	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-42-20-00010-P	10/21/21	Requesting prior approval for medical treatment and care	To implement an internet portal-based submission and review process
WCB-42-20-00012-P	10/21/21	DME Fee Schedule	To replace DME fee schedule, update fees; create prior authorization process
WCB-48-20-00002-EP	12/02/21	Reimbursement for COVID-19 testing	To allow reimbursement for COVID-19 testing when benefits are sought due to workplace exposure to COVID-19

REGULATORY AGENDA

New York State Gaming Commission

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act (SAPA), the Gaming Commission presents its regulatory agenda for calendar year 2021. All section and part references are to Title 9 of the New York Code of Rules and Regulations. As indicated in SAPA section 202-d(2), the Gaming Commission is not required to propose or adopt a rule listed on the regulatory agenda and may propose or adopt a rule that is not on the agenda. The Gaming Commission may add, delete or modify without further notice, except as required by the State Administrative Procedure Act, any item or information presented in this 2021 Regulatory Agenda.

Publication of this notice is intended to further assure that small businesses, local governments and public and private interests in rural areas are given opportunity to participate in the rule making process, as provided by sections 202-b and 202-bb of SAPA. Each rule listed below may require a regulatory flexibility analysis or a rural area flexibility analysis, pursuant to SAPA sections 202-b and 202-bb, respectively.

The public may submit written comments in regard to this regulatory agenda to the agency representative indicated at the end of this agenda.

Administration

Considering the adoption of hearing rules and procedures to standardize the governance of all Gaming Commission administrative hearings.

Charitable Gaming

Considering harmonizing rules for charitable games of chance with rules for games at commercial casinos, where advisable.

Considering amendments to various charitable gaming regulations to implement aspects of legislation, including regulation of internet raffle sales by authorized organizations.

Commercial Casinos

Considering the addition of a new rule requiring gaming facility licensees to notify the Commission in the event the licensee is penalized for casino-related infractions in another jurisdiction.

Considering the amendment of Part 5324, which concerns casino table games, to add new table games and bets.

Horse Racing

Considering the amendment of rules governing veterinary technicians.

Considering the amendment of rules concerning show wagering in Thoroughbred racing.

Considering adding continuing education requirements for horsepersons in harness racing.

Considering the amendment of rules governing the use of the riding crop in Thoroughbred racing.

Considering the amendment of rules governing the use of the whip in harness racing.

Considering rules to formalize practice that race-day furosemide (a/k/a Lasix) administration to race horses is provided by independent, third-party veterinarians who are not caring for the horses of a trainer or owner who participates at the race meeting.

Considering updating the per se threshold for furosemide to a higher specific gravity of urine.

Considering environmental thresholds for common contaminants that might be present in a horse.

Considering amendments to equine drug rules.

Interactive Fantasy Sports

Considering the adoption of regulations implementing Article 14 of the Racing, Pari-Mutuel Wagering and Breeding Law.

Lottery

Considering administrative fees for the processing of prize payments.

Information may be obtained, and written comments may be submitted, regarding any of the above proposed amendments by contacting: Kristen Buckley, New York State Gaming Commission, One Broadway Plaza, P.O. Box 7500, Schenectady, NY 12301-7500, (518) 388-3407, e-mail: gamingrules@gaming.ny.gov

This agenda is posted on the Commission's website at: <https://www.gaming.ny.gov/proposedrules.php>

Office for People with Developmental Disabilities

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act (SAPA), notice is provided of the following rules that the Office for People With Developmental Disabilities (OPWDD) is considering proposing, but for which a rule making proceeding has not begun. All following references to regulatory provisions are to Title 14 of the New York Code of Rules and Regulations. Please note that the regulatory plans of OPWDD are subject to change. OPWDD reserves the right to add, delete, or modify items appearing on this list. Further, as indicated in SAPA section 202-d (2), OPWDD is not required to propose or adopt any rule listed on a regulatory agenda and may propose or adopt a rule that has not been listed on an agenda.

Publication of this notice is intended to further assure that small businesses, local governments, and public and private interests in rural areas are given an opportunity to participate in the rule making process, as provided by sections 202-b and 202-bb of SAPA. Each rule listed below may require a regulatory flexibility analysis or a rural flexibility analysis, pursuant to SAPA sections 202-b and 202-bb, respectively.

The public is welcome to send written comments regarding this regulatory agenda to the agency representative indicated at the end of this list.

The following rules are under consideration for submission as a Notice of Proposed Rulemaking during the calendar year 2021:

DESCRIPTION OF THE RULE SUBJECT MATTER

Title 14 NYCRR (Mental Hygiene)

Advanced Healthcare Directives - to allow an individual with an advanced healthcare directive to authorize his/her health care agent to commence decision-making immediately upon the execution of a health care proxy.

Objection to Services Updates - to streamline and standardize processes for objecting to services pursuant to 14 NYCRR 633.12.

Life Safety Code - to implement updates in Life Safety and Emergency Planning.

Supported Decision-Making - to implement supported decision-making practices.

Delegation of Nursing Tasks to Direct Support Professionals - to implement changes to the Nurse Practice Act.

Repeal Rate Appeal Processes - to repeal processes for appealing rate methodologies as this function now rests with the Department of Health.

Repeal of Rate Setting Authority - to repeal rates and rate setting methodologies as rulemaking authority for rates now rests with the Department of Health.

Rate Setting for Specialty Hospitals - to update regulatory authority regarding rate setting methodology for specialty hospitals consistent with State Plan authority.

Intermediate Care Facilities (ICF) Closure and Conversions - to require ICF conversion compliance as necessary.

Day Habilitation with/ without Walls - to define programmatic standards for day habilitation with/ without walls.

Care Coordination/Basic HCBS Regulatory updates - to amend current regulatory language to reflect the changes due to Health Homes/ Care Coordination.

Certified Residential Opportunities - to establish policy and procedures for development, management and use of the residential referral process.

General Regulatory Relief - to implement amendments to outdated regulatory processes in order to provide resource relief to OPWDD regulated providers.

Contact Person: Mary Beth P. Babcock, Deputy Counsel, Office for People With Developmental Disabilities, Office of Counsel, Bureau of Policy and Regulatory Affairs, 44 Holland Ave., 3rd Fl., Albany, NY 12229, (518) 474- 7700, e-mail: marybeth.p.babcock@opwdd.ny.gov

This agenda is also posted on the OPWDD website at: www.opwdd.ny.gov

RULE REVIEW

New York State Gaming Commission Five-Year Review of Existing Regulations

Pursuant to section 207 of the State Administrative Procedure Act, notice is hereby provided of rules adopted by the New York State Gaming Commission (and its predecessor agencies, the Racing and Wagering Board and the Division of Lottery) for the calendar years 2016, 2011, 2006 and 2001. Public comments on the continuation or modification of these rules are invited and those received by March 8, 2021, will be considered. Please forward comments to Kristen M. Buckley, Secretary of the New York State Gaming Commission, One Broadway Center, Suite 500, Schenectady, New York 12301-7500 or by electronic mail at gamingrules@gaming.ny.gov.

The following contains a brief description of each rule, including the statutory authority, and a statement setting forth the justification for the need for each rule and its continuation without further modification.

2016

Horse Racing

SGC-39-15-00005 Thoroughbred Restricted Time Periods for DMSO and Diclofenac

This rulemaking amended 9 NYCRR § 4043.2(e) to permit non-topical administrations of dimethyl sulfide (DMSO) until 48 hours before a thoroughbred horse's next race. The rule is needed for consistency with previously adopted national thresholds for the substances. A similar amendment was adopted for diclofenac, which was repealed in 2020. The legal basis for the rule is RWL §§ 103, 104 and 122.

SGC-44-15-00019 Report Required for Gelded Horses

This rulemaking added 9 NYCRR §§ 4007.7 and 4106.10 to require trainers to report promptly when a horse has been gelded. The rule is needed so the betting public and potential claimants know of the changed condition of the horse before it races. The legal basis for the rule is RWL §§ 103, 104, and 301.

SGC-46-15-00004 Drug Testing of Claimed Horses

This rulemaking amended 9 NYCRR §§ 4038.5(a) and 4109.3(a) to remove the Commission's obligation to sample all claimed horses for drug testing and amended 9 NYCRR §§ 4038.17 and 4109.5 to require such sampling if the claimants request a test at their expense on their claim form. The rule is needed to allow the Commission more effective use of limited budgetary funds for equine drug testing. The legal basis for the rule is RWL §§ 103, 104, 301 and 902.

SGC-46-15-00007 Multiple Medication Violation Penalties

This rulemaking added a new Part 4045 to 9 NYCRR to create a minimum supplemental penalty when a thoroughbred trainer accumulates certain levels of points based on severity and recency of equine drug violations, to support a national effort to impose license suspensions that will discourage recidivism. The rule does not prevent the Commission from applying its own penalty enhancements based upon prior equine drug violations and permits a corresponding waiver to avoid double jeopardy. The tabulation of points and the mandatory minimum penalties were amended in May 2019 to conform to national

model rule changes. The legal basis for the rule is RWL §§ 103, 104 and 122.

SGC-48-15-00006 Per Se Thresholds for Four Substances; Special Penalty Provisions

This rulemaking amended 9 NYCRR §§ 4043.3 and 4120.3 to add Per Se thresholds for albuterol, cobalt and isoflupredone and lower the threshold for ketoprofen to match new national drug thresholds, which is needed for consistency with national equine drug thresholds. A new subdivision (c) was added to enhance penalties for findings of cobalt at high levels which indicate an intent to commit blood-doping; and to issue only a warning for first-time corticosteroid threshold violations incurred by thoroughbred trainers whose contemporaneous records show the administration occurred within the permissible time period for such treatments. The legal basis for the rules is RWL §§ 103, 104, 301 and 902.

SGC-52-15-00007 Prohibiting the Administration of Stanozolol

This rulemaking amended 9 NYCRR §§ 4043.15 and 4120.12 to remove stanozolol from the list of permitted anabolic steroids. When anabolic steroids were prohibited in racing horses, the Commission adopted thresholds for endogenous ones based on natural levels in untreated horses and also included stanozolol, which is not endogenous in a horse, because it could be found for several months based on lawful administrations before the rule was adopted. The rule is needed to eliminate the permissive threshold for stanozolol because the detection time for previously lawful treatments has elapsed. The legal basis for the rules is RWL §§ 103, 104, 301 and 902.

SGC-01-16-00006 Commission Authority to Implement Jockey Injury Compensation Fund Plan

This rulemaking added Part 4046 to 9 NYCRR to authorize the Commission to select an insurance carrier that the Jockey Injury Compensation Fund (JICF) must accept to provide a workers' compensation insurance benefit to jockeys and other thoroughbred riders if the JICF fails to submit a timely annual plan for coverage. This is needed to ensure that JICF's statutory duty to provide insurance coverage to such employees is met. The statutory basis for the rules is RWL §§ 104 and 221.

SGC-07-16-00001 Cellular Phones Permitted in Harness Paddock

This rulemaking amended 9 NYCRR § 4101.14 to make permanent that horsepersons in the harness paddock may use their cellular phones. The rule is needed to allow them to transact business and personal affairs while required to remain in the paddock until all their horses have raced. The statutory basis for this rule is RWL §§ 104 and 301.

SGC-07-16-00011 Thoroughbred Pick-Four, -Five and -Six Wagers

This rulemaking added 9 NYCRR § 4011.25 to establish a pick-five wager in thoroughbred racing, amended 9 NYCRR §§ 4011.23 and 4011.26 to make the rules for pick-four and pick-six wagers parallel the pick-five wager rules, and renumbered the pick-n (including WIN-3) wagers in serial order at §§ 4011.23 to 4011.26. The rules are needed to codify the pick-five wager, previously conducted by reference to provisions not stated in the Commission rules, and to simplify

the administration of pick-n wagers. The statutory basis for the rules is RWL §§ 103 and 104.

SGC-22-16-00004 Altering the Use of Hopples

This rulemaking amended 9 NYCRR §§ 4413.5 and 4117.3 of 9 NYCRR to remove the requirement that a harness trainer must be granted permission by the judges or requalify when putting on or taking off hobbles without a prior performance line. The rule is needed because it is unnecessary to require the trainer to get permission from the judges since horses can change this equipment and the bettors can handicap this without difficulty. The statutory basis for the rules is RWL §§ 103, 104 and 301.

SGC-22-16-00005 Decoupling Harness Horses in Major Races

This rulemaking amended 9 NYCRR § 4111.15 to permit the uncoupling of harness horses with the same trainer but different owners in stakes races with a purse at least \$25,000, and to uncouple horses with common ownership in stakes races with a purse at least \$100,000. This rule is needed to increase the number of horses entered in such races and betting handle when the size of the purse and possibility of qualifying for another stage of the stakes program outweigh the risk of possible collusion. The statutory basis for the rules is RWL §§ 103, 104 and 301.

SGC-37-16-00007 Continuing Education for Thoroughbred Trainers

This rulemaking amended 9 NYCRR § 4002.8 to require thoroughbred trainers and assistant trainers, except for those who rarely participate in New York, to complete four hours of Commission-approved continuing education each calendar year to maintain license eligibility. The rule implements a national movement to enhance their competence. The statutory basis for the rules is RWL §§ 103 and 104.

Horse Racing, Charitable Gaming and Lottery

SGC-12-16-00009 Sanctions for Underage Wagering

This rulemaking amended 9 NYCRR §§ 4003.39, 4122.6, 4404.10, 4602.1, 4622.2, 4622.3, 5001.27, 5007.5, 5007.13, 5013.3 and 5117.1 to establish requirements and substantial penalties for racetracks, off-track betting branches, charitable organizations, lottery sales agents and video lottery facilities to prevent play by underage persons. The rules are needed to protect minors from possible harm from participating in wagering activities. The statutory basis for the rules is RWL §§ 104, 108 and 116; Tax Law §§ 1601, 1604, 1610 and 1612; and General Municipal Law §§ 195-a and 486.

Lottery

SGC-52-15-00005 Updates to Lottery Subscription Program

This rulemaking amended 9 NYCRR §§ 5005.1 through 5005.8 of 9 NYCRR to reflect the use of electronic technology in the Commission's lottery subscription program. This is needed to include such electronic transactions, communications and accounts in the rules. The statutory basis for the rules is RWL § 104 and Tax Law §§ 1601, 1604 and 1612.

SGC-52-15-00006 Manner of Paying Lottery Prizes

This rulemaking amended 9 NYCRR § 5002.5 to authorize alternative means than checks to pay lottery prizes, such as a Commission-issued debit card. This rule is needed to add flexibility and consistency to the manner in which the Commission makes lottery prize payments. Section 5002.5 has been amended to add provisions for the means of payment of lottery prizes of \$600 or less to a courier customer. The statutory basis for the rules is RWL § 104 and Tax Law §§ 1601, 1604, 1612 and 1617.

SGC-52-15-00008 Suspension and Revocation of Lottery Agent License

This rulemaking amended 9 NYCRR § 5001.19 to codify the rules for the suspension or revocation of a lottery sales agent license based on poor sales, and the licensee's duty to surrender lottery equipment, tickets and other materials when suspended temporarily by the Commission. The rules provide clear guidance to lottery sales agents and encourage better performance of their duties and obligations. The statutory basis for the rule is RWL §§ 103 and 104 and Tax Law §§ 1601, 1604, 1605 and 1607.

Lottery and Casino Gaming

SGC-23-16-00014 Independent Testing of Gaming Equipment

This rulemaking added Part 5318 to 9 NYCRR to require that licensed gaming and video lottery facilities operate slot machines, video lottery gaming system or other gaming equipment only that has been certified by a Commission-approved independent testing laboratory to meet standards set forth in the rules. The rules are needed to promote the credibility and integrity of casino gaming in New York. The statutory basis for the rules is RWL §§ 103, 1303, 1326 and 1335 and Tax Law § 1617-a.

Casino Gaming

SGC-12-16-00002 Problem Gambling and Patron Self-Exclusion

This rulemaking added Parts 5325 and 5326 to 9 NYCRR and amended 9 NYCRR § 5301.1 to require that each gaming facility submit a problem gambler program including employee awareness training, report the casino's progress and results regularly to the Commission, and establish and advertise a process for individuals to be self-excluded from gaming activities. The rules are needed to protect individuals who are prone to problem gambling and to elevate the responsibility and reputation of the gaming facilities. Part 5326 has been repealed and replaced by a new Part 5402. The statutory basis for the rules is RWL §§ 104, 1307, 1344, 1345, 1362 and 1363.

SGC-19-16-00013 Surveillance Standards for Gaming Facilities

This rulemaking added Part 5314 to 9 NYCRR to require that each gaming facility receive Commission approval for and implement a comprehensive video surveillance system that meets the industry best practices for equipment, training, operational independence and record retention. The rules are needed to assure transparent, credible and secure gaming operations. The statutory basis for the rules is RWL §§ 104, 1307 and 1331.

SGC-28-16-00006 Patron Exclusion by Commission from Gaming Facilities

This rulemaking added Part 5327 to 9 NYCRR to establish the criteria and procedures for the patron exclusion program at each gaming facility through the creation and publication of a Commission list of excluded patrons, enforcement and compliance by the gaming facility, and a process for excluded patrons to seek redress. The rules are needed to ensure that persons who presence would be inimical to casino gaming in New York are excluded from the facilities. The statutory basis for the rules is RWL §§ 104, 1307 and 1324.

SGC-28-16-00007 Definition of Terms for Casino Gaming

This rulemaking amended 9 NYCRR § 5300.1 to provide definitions for the terms used frequently in Subchapter B, Casino Gaming, of Chapter IV, Division of Gaming, of the Commission's rules (Subtitle T of 9 NYCRR). The rule simplifies the substantive rules in the Subchapter. The statutory basis for the rule is RWL §§ 104 and 1307.

SGC-28-16-00008 Regulation of Table Game Equipment

This rulemaking added Part 5322 to 9 NYCRR to regulate casino gaming table devices and chips with rules based on industry best practices for such equipment, including the dice, pai gow tiles, playing cards, and automated card shuffling and dealing devices, and for its inspection, use, storage and secure disposal. The rules are needed to promote the credibility and integrity of casino gaming in New York. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

SGC-28-16-00009 Regulation of Junkets

This rulemaking added Part 5308 to 9 NYCRR to require that a junket representative who works for the gaming facility be licensed as a casino key employee, and to establish for junket enterprises and other junket enterprise representatives a license category of ancillary casino vendor. The rules require the casino to file with the Commission all junket operator agreements and quarterly reports concerning the operation of any junket enterprise or representative engaged on its premises. The rules are needed to tightly and strictly regulate casinos, to prevent organized crime from any involvement in them, and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1328.

SGC-28-16-00010 Registration of Casino Labor Organizations

This rulemaking added Part 5310 to 9 NYCRR to require that of-

ficers, agents and principal employees of a labor union that represents casino employees register with the Commission, that the Commission shall not register those who fail to meet statutory registration criteria, and that the union must file biennial registration statements with the Commission. The rules are needed to fulfill the statutory directives related to such unions and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1330.

SGC-28-16-00011 Conduct of Casino Table Games

This rulemaking added Part 5323 to 9 NYCRR to set forth the practices and procedures that casinos must follow for the conduct and operation of table games to meet industry best practices for conducting table games, including a plan for table game staffing and a dealer training program. The rules are needed to tightly and strictly regulate casinos, to prevent organized crime from any involvement in them, and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

SGC-28-16-00012 Registration of Casino Lobbyists

This rulemaking added Part 5309 to 9 NYCRR to provide specific licensing procedures and requirements for the registration of casino lobbyists. The rules are needed to tightly and strictly regulate casinos, to prevent organized crime from any involvement in them, and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1329.

SGC-32-16-00001 Casino License and Registration Applications

This rulemaking amended Parts 5303 through 5307 of 9 NYCRR to update the information which is required for the license and registration applications filed by gaming facility employees and vendors, including in the process of reapplying after a denial or revocation, and to clarify the vendor license categories and vendors which do not need a license. The rules are needed to clarify and simplify the license and registration application process for gaming facility employees and vendors. The statutory basis for the rules is RWL §§ 104, 1307, 1322, 1323, 1325, 1326 and 1327.

SGC-37-16-00016 Accounting Standards for Casinos

This rulemaking added Part 5315 to 9 NYCRR to establish specific financial and accounting controls and standards for casinos, including for internal audit departments, an annual independent audit, an online monitoring and control system, keeping accounting and financial records, and an anti-money laundering program. The rules are needed to fulfill the statutory directives related to internal controls, reporting, and accounting best practices and to assure public confidence and trust in the credibility and integrity of the casino industry. Section 5315.3 (gross gaming revenue tax) has been repealed. The statutory basis for the rules is RWL §§ 104, 1307, 1334, 1351, 1353 and 1354.

SGC-37-16-00017 Conduct of Casino Electronic Games and Devices

This rulemaking added Part 5321 to 9 NYCRR to set forth the practices and procedures that casinos shall follow for the conduct and operation of electronic gaming devices and equipment to meet industry best practices for possession, transport, approval of, off-premise storage, slot machine layout and density, live gaming device testing, remote access to internal controls systems, notification of the Commission of RAM clears, and other specific requirements for such games and devices. The rules are needed to tightly and strictly regulate casinos, to prevent organized crime from any involvement in them, and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

SGC-37-16-00018 Regulation of Slot Tournaments and Progressive Games

This rulemaking added Part 5320 to 9 NYCRR to prescribe the technical standards for the certification of slot tournaments and progressive gaming devices. The rules are needed to ensure proper hardware, software and testing of tournament gaming devices and the technical competence of the progressive wagering and multi-site systems. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

SGC-37-16-00019 Rules for Casino Table Games

This rulemaking added Part 5324 to 9 NYCRR to set forth the rules applicable to all table games including card shuffling, opening a table for gaming and dealing methods. The rules set forth general provisions for each blackjack and table poker game and the rules and payout odds for all wheel games, baccarat, casino war, poker and poker room games, and tile and dice games such as craps and mini-craps. The rules are needed to ensure fair odds and consistency among the casinos for their patrons. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

SGC-37-16-00020 Standards for Casino Monitoring, Control and Validation Systems

This rulemaking added Part 5317 to 9 NYCRR to prescribe the technical standards for the operation and certification of online monitoring and control and validation systems at casinos. The rules are needed to fulfill the statutory directives related to the technical and testing standards for all gaming devices and associated equipment and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

SGC-37-16-00021 Standards for Casino Gaming Devices

This rulemaking added Part 5319 to 9 NYCRR to prescribe the technical standards for the operation and certification of casino gaming devices, e.g., for electrical and mechanical safeguards, circuit boards, video monitor and touch screens, random number generator specifications and tests. The rules are needed to fulfill the statutory directives related to the technical and testing standards for all gaming devices and associated equipment and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

SGC-37-16-00022 Practices and Procedures for Casino Cages and Counts

This rulemaking added Part 5316 to 9 NYCRR to regulate the procedures for cage and count standards including standards and accounting controls for the cashiers' and satellite cages, count room characteristics, procedures for transporting and storing and counting the contents of drop boxes, secure delivery stations, and kiosk critical memory, error detection, voucher validation and issuance and redemption and other functions. The rules are needed to fulfill the statutory directives related to casino cages and counts and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

SGC-42-16-00002 Casino Alcoholic Beverage Licenses

This rulemaking added Part 5328 to 9 NYCRR to regulate the presence and sale of alcoholic beverages on the premises of casinos. The rules require casinos and their vendors who sell alcohol at the casino to obtain a license from the Commission. The rules establish application standards and requirements, the licensing criteria of the Commission, procedures related to the license, limitations on the service of alcohol to patrons, and procedures for special events and serving complimentary alcohol. The rules are needed to fulfill the statutory directives related to serving alcohol to patrons at casinos. The statutory basis for the rules is RWL §§ 104, 1307 and 1340.

SGC-42-16-00003 Confidentiality of Information and Restrictions on Employee Wagering

This rulemaking amended Part 5300 of 9 NYCRR to prescribe that the Commission post on its website its confidentiality restrictions concerning information disclosed by applicants, registrants or licensees; and to prohibit casino employees from wagering where they work or at any gaming facility that is owned or operated by the gaming facility that employs the employee or its affiliates. The rules are needed to fulfill the statutory directives related to information confidentiality and employee wagering and to assure public confidence and trust in the credibility and integrity of the casino industry. The statutory basis for the rules is RWL §§ 104, 1307 and 1336.

SGC-42-16-00004 Casino Electronic Table Games Systems

This rulemaking added 9 NYCRR §§ 5317.41 and 5319.60 to 9 NYCRR to prescribe the technical standards for the testing and certifi-

cation of electronic table games that operate independently from an external gaming system, including requiring application-level firewalls, Commission pre-approval of procedures for remote access, and disclosure of what cannot be met by manual intervention by a live dealer. The rules add communication protocols, system integrity, random number generation, maintenance of critical memory, and player interface terminal requirements for all electronic table games. The rules are needed to ensure that best industry practices are followed by casinos in New York. The statutory basis for the rules is RWL §§ 104, 1307 and 1335.

2011

Horse Racing

RWB-35-11-00002 Inspection of Harness Sulkies

This rulemaking amended 9 NYCRR § 4116.10 to require that a harness sulky that has been involved in a training or racing accident will be removed from service until it has been inspected and cleared for use by its manufacturer or an authorized representative. This rule is needed to ensure the mechanical safety of sulkies in harness training and racing. The legal basis for the rule is RWL §§ 103, 104 and 301.

RWB-35-11-00006 Financial Reporting for Thoroughbred Horsepersons' Organization

This rulemaking amended 9 NYCRR § 4003.51 to change the filing deadline for the annual financial report of each thoroughbred horsepersons' organization from April 15 to 105 days following the end of its fiscal year. The rule is needed for organizations that do not use calendar year accounting. The legal basis for the rule is RWL §§ 103, 104, 228 and 231.

RWB-35-11-00008 Advanced Deposit Wagering Accounts

This rulemaking amended 9 NYCRR § 5300.4 to permit electronic signatures for online applications to open an advanced deposit wagering account and to establish the requirements for verifying the identity of the account applicant. The rule is needed to make it easier to open such accounts and to allow New York State wagering facilities to compete with outside internet wagering sites. The legal basis for the rule is RWL §§ 103, 104, 227, 301, 305, 401, 405, 520 and 1002.

Charitable Gaming

RWB-35-22-00003 Conduct of Games of Chance by Non-Domiciliary

This rulemaking amended 9 NYCRR § 5306.11 to allow municipalities, in circumstances of hardship or necessity, to license an organization not domiciled within the municipality and to allow it to conduct charitable gaming at a location inside the territorial limits of the municipality. The rule is needed to allow licensed organizations which conduct bingo in another municipality to sell raffle and bell jar tickets at the bingo events. 9 NYCRR § 5306.11 has been renumbered § 4603.11. The legal basis for the rule is General Municipal Law § 188-a.

Lottery

LTR-43-10-00008 Lotto

This rulemaking repealed 21 NYCRR §§ 2804.14 and 2804.15 and Part 2817 of 21 NYCRR and replaced them with new versions to revise the rules governing the Lotto game, a former flagship game with lagging popularity. The rule is needed to allow the Commission to have additional variations of the game that are more appealing and restore interest and sales of the Lotto games. 21 NYCRR §§ 2804.14 and 2804.15 have been renumbered 9 NYCRR §§ 5008.14 and 5008.15. Part 2817 of 21 NYCRR has been renumbered Part 5008 of 9 NYCRR. Sections 5008.5(e, f) and 5008.12 (e) have been amended. The legal basis for the rules is Tax Law §§ 1601, 1604 and 1612.

LTR-42-11-00010 Jackpot Prizes for Multi-Jurisdictional and Lotto Games

This rulemaking amended 21 NYCRR §§ 2806.2, 2806.4, 2806.7, 2806.13, 2817.2 and 2817.10 to facilitate price changes as approved by the consortium of states that participate in Powerball and Mega Millions games with New York and to bring more consistency to the Lotto game and these other jackpot draw games. The rules are needed to enhance the market share for such games. 21 NYCRR §§ 2806.2,

2806.4, 2806.7, 2806.13, 2817.2 and 2817.10 have been renumbered 9 NYCRR §§ 5006.2, 5006.4, 5006.7, 5006.13, 5008.2 and 5008.10. The legal basis for the rules is Tax Law §§ 1601, 1604, 1612 and 1617.

LTR-42-11-00011 Powerball Game Design and Quick Draw Definition

This rulemaking amended 21 NYCRR § 2806.13, to conform the regulation of the multi-state Powerball game in New York to changes to the official Powerball game rules by the consortium of participating states, and § 2835.1, to remove limitations on when the Commission may permit draws to occur in the Quick Draw game. The rules are needed to enhance revenues from Lottery games in New York. 21 NYCRR §§ 2806.13 and 2835.1 have been renumbered 9 NYCRR §§ 5007.13 and 5013.1. The legal basis for the rules is Tax Law §§ 1601, 1604, 1612 and 1617.

2006

Horse Racing

RWB-40-05-00001 Adjustments to Restricted Time Periods

This rulemaking amended 9 NYCRR §§ 4043.2 and 4120.2 of 9 NYCRR to reflect that the use of many substances governed by a general restricted time period of one-week before racing could be permitting closer to the horse's race, including a new 96-hour restricted time period to allow certain drugs to be administered closer to race time and permitting sulfa expectorants, omeprazole, cimetidine, ranitidine and sucralfate to be administered until 24 hours before racing. The rules are needed to more closely conform the restricted time periods to the medication needs of the horses and the effects of the substances on race integrity. Some restrictions have been changed since 2006 including the repeal of the rule permitting a non-steroidal anti-inflammatory drug until 24 hours before racing and changing the restricted time periods for clenbuterol and joint injections from 96-hours to 14 days before a horse's next thoroughbred race. The statutory basis for the rules is RWL §§ 103, 104, 301 and 902.

RWB-03-06-00007 Paying Wager When Horse Obstructed in Gate Wins

This rulemaking amended 9 NYCRR §§ 4009.21 and 4115.10 of 9 NYCRR to permit winning wagers to be paid when a horse that was obstructed or interfered with at the start of the race, and could be declared a non-starter, wins the race notwithstanding its slow start from the starting gate. The rules are needed to pay winning wagers when the problem at the starting gate caused no harm to bettors. The statutory basis for the rules is RWL §§ 103, 104 and 301.

RWB-06-06-00008 Increasing the Number of Races in Parlay Wagers

This rulemaking amended 9 NYCRR §§ 4010.6 and 4122.28 of 9 NYCRR to increase from six to eight the number of races that may be offered in a parlay wager, a single bet where a bettor's winning wagers from a race are rolled into the next race's wager until the bet is lost or the bettor wins for correctly selecting all the races in the parlay. The rules are needed to allow the wager to be expanded to the limits of the totalizator system, which previously could not compute more than six races in a parlay wager. The statutory basis for the rules is RWL §§ 103, 104 and 235.

RWB-23-06-00007 Horsepersons' Contract Required for Track License

This rulemaking amended 9 NYCRR §§ 4003.13 and 4101.8 of 9 NYCRR to require that a racetrack have a contract with its horseperson organization before the Commission will assign race dates and approve its track license for the calendar year. The rules are needed to promote good faith negotiations between the racetracks and horseperson organizations to reach a contract agreement. The statutory basis for the rules is RWL §§ 103, 104, 205, 210, 248 and 307.

RWB-23-06-00008 Claiming of Horses

This rulemaking amended 9 NYCRR §§ 4038.1, 4038.4, 4038.6, 4038.17, 4038.19 and 4038.19 of 9 NYCRR to change the thoroughbred claiming procedures to permit an owner who started in the previous race meet to be eligible to claim, to permit a claimed horse to compete at other New York racetracks during the 30 days after a claim, to restrict opening the claim box until the race is made official, to permit a claimant to void the claim based on a positive drug test result

from the previous race which was unknown before the claiming race, and to make claims voidable based on misrepresentations of a horse's age or sex in the race program. Other amendments made by this rulemaking to Part 4038 of 9 NYCRR were subsequently amended or repealed. The statutory basis for the rules is RWL §§ 103, 104, 205, 210 and 902.

Lottery

LTR-08-06-00001 Mega Millions Lottery Game

This rulemaking amended Part 2806 of 9 NYCRR to conform the terms and conditions of the Mega Millions jackpot lottery game to requirements necessary to admit California as another state that participates in this multi-state lottery game. This rule is needed to help sales of Mega Millions lottery tickets compete with the sales of large jackpot lottery products in neighboring states. Part 2806 has been renumbered 5007 by subsequent rulemaking. The Mega Millions game has since been amended in some ways. The statutory basis for the rules is Tax Law § 1607.

2001

Horse Racing

RWB-34-01-00004 Decoupling Thoroughbred Horses in Major Races

This rulemaking amended 9 NYCRR § 4025.10 of 9 NYCRR to permit the uncoupling of thoroughbred horses with the common ownership or training in races with a purse at least \$1,000,000. This rule is needed to increase the number of horses entered in such races and betting handle when the size of the purse and collateral benefits of winning such premier contests outweigh the risk of possible collusion. The statutory basis for the rules is RWL §§ 103 and 104.

Lottery

LTR-34-01-00003 Modification of Lotto Games

This rulemaking amended 21 NYCRR §§ 2817.1, 2317.2, 2817.6, 2817.9 and 2817.10 to improve the Lotto game, including by increasing the field of numbers from 51 to 59, streamlining the prize levels, and to carry forward money from the previous draw for second prize. The rule is needed to preserve Lotto's earning capacity. The Lotto game has since been amended in some ways. 21 NYCRR §§ 2817.1, 2317.2, 2817.6, 2817.9 and 2817.10 have been renumbered 9 NYCRR §§ 5008.1, 5008.2, 5008.6, 5008.9 and 5008.10. The legal basis for the rules is Tax Law § 1604.

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

NOTICE OF PUBLIC HEARING

Department of Agriculture And Markets

PLEASE TAKE NOTICE that a public hearing was held on December 7, 2020 before a person designated by the Commissioner of Agriculture and Markets at 10:00 a.m., to receive comments to consider the adoption of an agency specific short Environmental Assessment Form (EAF) related to Agricultural Districts Program, as described in Article 25-AA of the Agriculture and Markets Law (AML).

PLEASE TAKE FURTHER NOTICE, that the proposed short EAF form is being adopted for use in review of actions designated as an "Unlisted Action" pursuant to the State Environmental Quality Review Act (SEQRA), and which involve the modification of an existing Agricultural District, which includes the termination or modification of such district, pursuant to AML section 303-a; the inclusion of viable agricultural land to an existing Agricultural District, pursuant to AML section 303-b; and/or the consolidation of existing Agricultural Districts, pursuant to AML section 303-c.

PLEASE TAKE FURTHER NOTICE that the record remained open until December 14, 2020; with no substantive comments being received related to any objections to the proposed EAF form.

PLEASE TAKE FURTHER NOTICE, that the Department of Agriculture and Markets has filed this notice with the Commissioner of Environmental Conservation, or other designated official, pursuant to Environmental Conservation Law Article 8, and Part 617.14(f) of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR), which states, in relevant part, that "every agency that adopts, has adopted or amends SEQR procedures must, after public hearing, file them with the commissioner, who will maintain them to serve as a resource for agencies and interested persons. The commissioner will provide notice in the ENB of such procedures upon filing."

PLEASE TAKE FURTHER NOTICE that the adopted EAF Form

is available for public viewing, and reference purposes on the Department's website at the following link: <https://agriculture.ny.gov/land-and-water/short-environmental-assessment-form>

For more information about this action, please contact: Nicole D. Persaud, Senior Attorney, Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-2449, Nicole.Persaud@agriculture.ny.gov

NOTICE OF PUBLIC HEARING Hudson River Part Trust

Pursuant to Section 7(6) of the Hudson River Park Act for proposed Significant Actions affecting Hudson River Park, the Hudson River Park Trust hereby gives notice of a public hearing and comment period to consider a proposed new 30-year-term lease agreement between the Trust and Intrepid Museum Foundation, a not-for-profit corporation, for the continued use by the Intrepid of the Pier 86 Premises.

A virtual public hearing will be held on February 17, 2021 from 4:00 p.m. to 6:00 p.m. for the public to provide comments on the proposed lease agreement.

A copy of the proposed lease agreement, a detailed public notice and instructions for accessing the virtual public hearing are available at: <https://hudsonriverpark.org/activities/intrepid-2>

For further information, contact: Nicole Cuttino, Deputy General Counsel, Hudson River Park Trust, Pier 40, 353 West St., Rm. 201, New York, NY 10014, (212) 627-2020, ncuttino@hrpt.ny.gov

PUBLIC NOTICE

Division of Criminal Justice Services

I, Andrew M. Cuomo, Governor of the State of New York, do hereby adopt and promulgate the following regulations which have been recommended by the Municipal Police Training Council pursuant to the provisions of section eight hundred forty of the Executive Law. This action is taken pursuant to the authority vested in me by section eight hundred forty-two of such law and, as such, it is exempted from the rule making provisions of the State Administrative Procedure Act.

NOW, THEREFORE, be it known that the amendments to sections 6020.3 and 6025.3 of Title 9 of the New York State Official Compilation of Codes, Rules, and Regulations are hereby adopted and promulgated, and shall be effective upon publication in the State Register.

1. Subdivisions (f) and (g) of section 6020.3 are renumbered subdivisions (g) and (h) and a new subdivision (f) is added to read as follows:

(f) *Training regarding the recognition of and response to hate crimes shall be conducted in accordance with the policies and procedures, and minimum standards as established by the Council.*

2. Subdivision (d) of section 6022.3 is renumbered subdivision (e) and a new subdivision (d) is added to read as follows:

(d) *Training regarding the recognition of and response to hate crimes shall be conducted in accordance with the policies and procedures, and minimum standards as established by the Council.*

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to revise provisions of the Ambulatory Patient Group (APG) reimbursement methodology. The following changes are proposed:

Non-Institutional Services

Effective on or after January 21, 2021, the Ambulatory Patient Group (APG) reimbursement methodology is revised to include recalculated weight and component updates to reflect the APG policy updates.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2020/2021 is \$2,130,000.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status. Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE

Oneida-Herkimer Solid Waste Authority
Request For Proposals (RFP)
For Beneficial Use of Bio-Solids

Pursuant to New York State General Municipal Law, Section 120-w, the Oneida-Herkimer Solid Waste Authority (Authority) hereby gives notice of the following:

The Authority is requesting proposals from companies that are interested in providing a beneficial use for bio-solids generated by certain wastewater treatment plants located in Oneida County and Herkimer County, New York State.

The Authority does not discriminate because of race, creed, color, national origin, sex, age, disability or marital status. All qualified Respondents will be afforded equal opportunities without discrimination. Furthermore, the Authority invites certified Minority and Women-Owned Business Enterprises (M/WBE) participation in this RFP. Firms that are not M/WBEs responding to this RFP are

strongly encouraged to consider partnering, or creating other similar joint venture arrangements, with certified M/WBEs and to give M/WBEs the opportunity to participate in responding to this RFP. The directory of New York State M/WBEs can be viewed at <http://www.esd.ny.gov/mwbe.html>.

Responses to the RFP are due to the Authority by 3:00 PM on February 10, 2021.

Copies of the RFP may be obtained at www.ohswa.org or through the contact: James V. Biamonte, Contract Officer, Oneida-Herkimer Solid Waste Authority, 1600 Genesee St., Utica, NY 13502

PUBLIC NOTICE

Oneida-Herkimer Solid Waste Authority
Draft Request for Proposals (RFP)

Transportation of Solid Waste to the Oneida-Herkimer Landfill
For Oneida-Herkimer Solid Waste Management Authority

Pursuant to New York State General Municipal Law, Section 120-w, the Oneida-Herkimer Solid Waste Authority hereby gives notice of the following:

The Oneida-Herkimer Solid Waste Authority (OHSWA) desires to procure an agreement for 5 years beginning 10/24/2021 for transportation of non-recyclable waste from 2 transfer stations to the Oneida-Herkimer Landfill, Ava, NY. Comments on the Draft RFP must be received by 1:00 p.m. on 3/8/2021.

The Authority does not discriminate because of race, creed, color, national origin, sex, age, disability or marital status. All qualified respondents will be afforded equal opportunities without discrimination. Furthermore, the Authority invites certified Minority and Women-Owned Business Enterprises (M/WBE) participation in this RFP. Firms that are not M/WBEs responding to this RFP are strongly encouraged to consider partnering, or creating other similar joint venture arrangements with certified M/WBEs and to give M/WBEs the opportunity to participate in responding to this RFP. The directory of New York State M/WBE's can be viewed at <http://www.esd.ny.gov/mwbe.html>.

Copies of the Draft RFP may be obtained at www.ohswa.org or through the contact: James V. Biamonte, Contracting Officer, 1600 Genesee St., Utica, NY 13502

PUBLIC NOTICE

Department of State
F-2020-1033

Date of Issuance – January 20, 2021

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

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-1033, Chase Killeen is proposing to construction of a new 4' x 135' dock with two (2) 8" tie-off piles and open-grate decking. The project site is located on Shinnecock Bay at 183 Bay Avenue East, Hampton Bays, NY, 11946, Suffolk County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-1033Killeen.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 19, 2021.

Comments should be addressed to: Department of State, Office of

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

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

PUBLIC NOTICE

Department of State
F-2020-1060

Date of Issuance – January 20, 2021

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

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-1060, Rajesh Mehta proposed to construct a new dock consisting of a 4'x10' open-grate ramp leading to a 4'x100' open-grate fixed dock. The dock will have two sets of stairs on both sides of the dock to allow access. The project is located on Smith Creek at 17 Ludlow Lane, Hampton Bays, NY 11946, Suffolk County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-1060Mehta.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 19, 2021.

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

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

PUBLIC NOTICE

Department of State
F-2020-1150

Date of Issuance – January 20, 2021

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

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-1150, New York City Parks and Recreation, is proposing a living shoreline and coastal marsh restoration project. The objective of this project, which is Phase 2 of a two-phased project, is to restore eroded salt marsh and protect adjacent vulnerable salt marsh, through sand placement and marsh plantings placed behind prior constructed oyster castles. Proposed project is located in Bayside, Queens County, Alley Creek.

The applicant's consistency certification and supporting informa-

tion are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-1150_AlleyCreek_PH2_App.pdf

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- New York City Local Waterfront Revitalization Program: https://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_status.html;

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or February 19, 2021.

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-2021-0001

Date of Issuance – January 20, 2021

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

The National Parks Service 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-2021-0001, The National Park Service proposes to undertake the West Pond Living Shoreline project. This involves a living shoreline and marsh restoration along a stretch of eroding levee along the southern portion of West Pond.

The agency's consistency determination and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/2021/NPSWestPondforPN>

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, February 4, 2021.

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.

2020-0583: Matter of ALA Architects, Al Arilotta, 255 East Avenue, Rochester, New York, 14606, for a variance concerning safety requirements, including common walls. Involved is a building located 2, 4, 6, 8, 10 and 12 through 35 Catania Court, Town of Greece, County of Monroe, State of New York.

2020-0588: Matter of ALA Architects, Al Arilotta, 255 East Avenue, Rochester, New York, 14606, for a variance concerning plumbing fixtures. Involved is a building located at 2, 9, 12, 13 and 23 Catania Court, Town of Greece, County of Monroe, State of New York.

2020-0589: Matter of Stantec Consulting, Inc., Thomas Castelein, 61 Commercial Street, Suite 100, Rochester, New York, 14614, for a variance concerning plumbing fixture requirements. Involved is a building located at 3300 Dewey Avenue, Town of Greece, County of Monroe, State of New York.