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**NEW YORK STATE**  
**REGISTER**

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***INSIDE THIS ISSUE:***

- Maintenance Reimbursement for Residential CSE Programs When a Student Has Been Absent from the Program for More Than 15 Days
- Excelsior Jobs Program
- Medical Consents

**Availability of State and Federal Funds**

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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 June 6, 2021
- the 45-day period expires on May 22, 2021
- the 30-day period expires on May 7, 2021

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

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

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

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

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

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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](http://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.

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## Office of Children and Family Services

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### EMERGENCY RULE MAKING

#### Maintenance Reimbursement for Residential CSE Programs When a Student Has Been Absent from the Program for More Than 15 Days

**I.D. No.** CFS-49-20-00006-E

**Filing No.** 279

**Filing Date:** 2021-03-22

**Effective Date:** 2021-03-22

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

**Action taken:** Amendment of Part 628 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20, 34 and 153

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

**Specific reasons underlying the finding of necessity:** The Office of Children and Family Services (Office) finds that immediate emergency adoption of these regulations is necessary to protect the general welfare of children that are determined to be in need of highly specialized educational residential services by local school districts' Committee on Special Education (CSE), due to the intensity of their mental health, developmental or behavioral health needs. The purpose of this rule is to remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days, in recognition that widespread, unanticipated absences

in excess of 15 days have occurred in residential CSE programs as a result of COVID-19 and the state of emergency declared in relation to the pandemic within New York.

Specifically, this rule would authorize reimbursement for residential CSE maintenance where there has been an absence in excess of 15 days and such absence was directly related to a state of emergency and determined by the local department of social services to be necessary for the health and safety of a child. Residential CSE providers receive tuition and maintenance reimbursement for the cost of the special education programs. The maintenance reimbursement attendant to the residential component of CSE placement are regulated by the Office and are made on a per-diem basis for the present year's care days but are reflective of the prior year's operating costs of the programs.

Sufficient capacity at residential CSE programs is crucial to maintain the availability of these placements for children who are determined by a CSE to need these services to receive a free and appropriate public education. This rule is required on an expedited basis to preserve the availability of residential CSE placements and to remove existing regulatory barriers to receiving reimbursement that the programs may rely on to continue to operate, as a result of an absence resulting from a state of emergency where the absence was necessary for the health and safety of a particular child.

**Subject:** Maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days.

**Purpose:** Remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs.

**Text of emergency rule:** Paragraph (4) of subdivision (a) of section 628.3 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(4) Reimbursement of expenditures for care of a child in either direct or indirect care shall not include per diem costs of absences, except as follows:

- (i) all weekend visits;
- (ii) all school and religious holidays;
- (iii) vacation--up to 15 days per calendar year, excluding weekend visits;

- (iv) all organized school trips;
- (v) detention--up to seven consecutive days;
- (vi) running away--up to seven consecutive days;
- (vii) home on trial--up to seven consecutive days;
- (viii) absences due to hospitalization--up to 15 days per calendar year, except that in cases in which a child is diagnosed as having acquired immune deficiency syndrome (AIDS) or AIDS related complex (ARC) or has tested positive for human immune deficiency virus (HIV) or any infection with the probable causative agent of AIDS, the maximum number of absences per each episode of hospitalization for which reimbursement shall be available is as follows:

(a) up to 30 days of absence for children residing in a group home, group residence, agency boarding home, institution or approved residential school for the handicapped prior to the hospitalization; and

(b) up to 60 days of absence for children residing in a foster family boarding home prior to the hospitalization. Reimbursement in such cases shall include both administrative expenses and the pass-through payment to the foster parent;

(ix) visits to potential foster or adoptive parents--up to seven consecutive days per visit; [and]

(x) respite care and service provided pursuant to Part 435 of this Title[.]; and

(xi) in relation to absence of a child with a disability placed by a school district pursuant to section forty-four hundred five of the Education Law, where such absence was after April 1, 2020, and directly resulting from an emergency where a declaration of emergency has been issued by the state or federal government, and such absence is necessary for the health and safety of any child, as determined by the relevant local department of social services.

**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. CFS-49-20-00006-EP, Issue of December 9, 2020. The emergency rule will expire May 20, 2021.

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

#### **Regulatory Impact Statement**

##### **1. Statutory authority:**

The Office of Children and Family Services (OCFS) has the authority to regulate rates for residential placements of children through Social Services Law section 153. The regulatory change adds a limited additional consideration for when an absence from such residential placement would be reimbursable by the local department of social services (LDSS) and the applicable school district.

##### **2. Legislative objectives:**

The legislative objectives in enacting Social Services Law section 153 was to establish requirements to govern appropriate claiming, reimbursements, advances and disallowances of specified expenditures by LDSSs, including, among other things, maintenance costs for residential Committee on Special Education (CSE) placements.

##### **3. Needs and benefits:**

The purpose of this rule is to amend a specific provision in regulation that has created an impediment for non-profit providers that provide residential educational programs for children with disabilities in seeking reimbursement from LDSSs and school districts for services provided to these children throughout the pandemic. These children are determined to be in need of these highly specialized educational residential services due to the intensity of their mental health, developmental or behavioral health needs by local school districts' CSEs.

When the Governor issued the state of emergency in March, several parents made the decision to take their child home out of fear of them contracting the virus in the residential education setting. The majority of the not for profits continued providing remote services to the children and their families understanding that the children would be returning to their campuses when safe to do so. Due to OCFS's regulation limiting absences to 15 days, providers have been unsuccessful in their attempts to seek reimbursement resulting in an estimated \$12M loss that continues to accrue, according to data provided by the Council of Family and Child Caring Agencies (COFCCA).

Payment for these residential educational placements are made by the LDSS in the first instance and then the applicable local school district reimburses the LDSS a portion of these costs (approximately 47%). Because OCFS is not a party to the reimbursement, but rather merely the agency that sets and approves the reimbursement rate, OCFS proposes to amend the regulation such that a reimbursement for residential placement during this state of emergency may be authorized, but is not expressly mandated. The proposal would remove the barrier created by the previously narrow set of exceptions and allow the programs to seek reimbursement.

##### **4. Costs:**

This rule would not mandate any new costs or payments on the State, local governments, OCFS or regulated entities, but instead would remove barriers that would preclude payment for absences that have resulted from COVID-19 where failure to make these payments may result in an unanticipated savings for a LDSS or a local school district.

##### **5. Local government mandates:**

This change enacts no new mandates on local governments. Instead, this regulatory package will allow flexibility for the LDSS when faced with a state of emergency.

##### **6. Paperwork:**

It is anticipated that this rule, would at most, result in minimal new paperwork related to claiming requirements, if at all.

##### **7. Duplication:**

No duplication of requirements is associated with this rule.

##### **8. Alternatives:**

The possibility of not adopting any regulatory change was considered. In light of COVID-19, OCFS determined to pursue this path as the existing regulatory language was inflexible and has precluded any maintenance reimbursement for residential CSE placements where the absence exceeded 15 days, creating unique and unforeseeable fiscal challenges for residential CSE providers.

##### **9. Federal standards:**

This rule provides for appropriate care and services for children with special needs. This is not in excess of any federal standard.

##### **10. Compliance schedule:**

As this rule provides flexibility to existing regulatory requirements,

compliance and applicability of the rule is determined by the LDSS on a case by case, as needed, basis.

#### **Regulatory Flexibility Analysis**

##### **1. Effect of rule:**

This rule will provide flexibility that would allow for the absence of children with disabilities from residential programs during a state of emergency when such absence in is the best interests of the children and approved by the local department of social services.

The local government entities that are impacted are local departments of social services (LDSSs). There are 58 LDSSs in New York State. The small business that may be impacted are the non-profit programs that provide residential committee on special education (CSE) placements in New York State. It is estimated that there are seven residential CSE programs in the state that are small businesses.

The impact this rule will have on these entities is positive as the rule provides flexibility to extend the option to seek reimbursement for absences in the event of a national or state declaration of emergency.

##### **2. Compliance requirements:**

It is anticipated that there would be minimal record keeping or reporting associated with this rule.

##### **3. Professional services:**

There are no new professional services anticipated to be required as a result of this rule.

##### **4. Compliance costs:**

There are no new anticipated compliance costs associated with this rule.

##### **5. Economic and technological feasibility:**

There are no economic or technological issues with implementation rule.

##### **6. Minimizing adverse impact:**

This rule has been written to minimize adverse economic impacts on LDSSs and local school districts. Specifically, the rule removes a barrier to reimbursement for certain expenditures but does not mandate payment. Any payment a LDSS chooses to pay, pursuant to these regulatory provisions, would reduce unanticipated savings a LDSS or school district may have otherwise realized attendant to COVID-19.

##### **7. Small business and local government participation:**

OCFS is in regular communication with the non-profit entities and LDSSs impacted by this rule. The Council on Family and Child Caring Agencies (COFCCA), which is the umbrella organization representing some of the non-profit entities impacted by this rule, has strongly urged OCFS to remove the regulatory barrier that precluded reimbursements for residential CSE placements when a child had been absent for longer than 15 days due as a result of unanticipated absences resulting from COVID-19.

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

##### **1. Types and estimated numbers of rural areas:**

This rule is applicable in all rural areas of the state. It is estimated that there are 34 residential CSE providers in New York State with 9 residential CSE providers estimated to be located in rural areas of the state. This rule does not impact any additional school districts beyond those that are already impacted by the existing statutory and regulatory provisions, which are applicable statewide, including in all rural areas.

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

It is anticipated that there would be minimal new reporting, record keeping, or compliance requirements associated with this rule. There are also no new professional services anticipated to be required as a result of this rule.

##### **3. Costs:**

This rule does not mandate any new costs, but would authorize local departments of social services (LDSS) to make reimbursements for maintenance payments for residential Committee on Special Education (CSE) placements when a child has been absent from a program for more than 15 days when the absence was directly related to a state of emergency and determined to be necessary for the health and safety of the child. Any instance where a LDSS chooses to make reimbursement under the flexibility afforded by the rule would be reflective of costs that would have already been budgeted for and would have occurred absent a declared state of emergency. If a local district chooses to reimburse expenditures under the flexibility afforded by the rule, it may impact costs for local school districts, but such expenditures would have already been budgeted for.

##### **4. Minimizing adverse impact:**

There is no adverse economic impact for rural areas anticipated with this rule.

##### **5. Rural area participation:**

OCFS is in regular communication with the non-profit entities and LDSSs impacted by this rule. The Council on Family and Child Caring Agencies (COFCCA), which is the umbrella organization representing

some of the non-profit entities impacted by this rule, has repeatedly and strongly urged OCFS to take regulatory action on this issue to remove the barrier to reimbursement imposed by the existing regulation. OCFS has had several conversations with the State Education Department on these issues to preserve the availability of residential CSE services. This consultation encompasses impacted entities in both rural and non-rural areas of the state.

**Job Impact Statement**

1. Nature of impact:  
It is anticipated that this rule will not have any impact on jobs and employment opportunities attendant to public and non-profit entities.
2. Categories and numbers affected:  
It is anticipated that the rule does not impact any employment positions.
3. Regions of adverse impact:  
There are no anticipated adverse impacts of this rule for any region of the state.
4. Minimizing adverse impact:  
There are no anticipated adverse employment impacts associated with this rule. This rule provides flexibility in providing for additional days of absence from a residential placement when such absence is in the best interests of a child during a state of emergency and approved by the local county department of social services.
5. Self-employment opportunities:  
There are no anticipated adverse impacts of this rule on any self-employment opportunities in the state.

**Assessment of Public Comment**

The New York State Office of Children and Family Services (OCFS) received 10 comments regarding the CSE regulations. Every commentator professed their support for the CSE regulations in general and thanked OCFS for emergency enactment of the regulations.

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## Department of Civil Service

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

**Juneteenth Holiday**

**I.D. No.** CVS-14-21-00001-P

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

**Proposed Action:** Amendment of section 21.1 of Title 4 NYCRR.

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

**Subject:** Juneteenth Holiday.

**Purpose:** To add Juneteenth to the listing of holidays in the Attendance Rules.

**Text of proposed rule:** RESOLVED, That subject to the approval of the Governor, Subdivision (b) of Section 21.1 of the Attendance Rules for Employees in New York State Departments and Institutions be and hereby is amended, as follows:

(b) The days prescribed by law for the observance of New Year’s Day, Lincoln’s Birthday, Washington’s Birthday, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Election Day, Veterans’ Day, Thanksgiving Day and Christmas Day shall be observed as holidays, except when any such day falls on Saturday, in which case it shall not be observed as a holiday.

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

**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

**Consensus Rule Making Determination**

Section 6(1) of the Civil Service Law authorizes the State Civil Service Commission to prescribe and amend suitable rules and regulations concerning time allowances for employees in the Classified Service of the State.

Chapter 249 of the Laws of 2020 designated June nineteenth of each year, known as “Juneteenth,” which commemorates Black and African

American freedom and achievements while encouraging continuous self-development and respect for all cultures as an official public holiday.

State policy and Memoranda of Understanding entered into by the State with its recognized employee unions provide that Juneteenth shall be observed as a legal holiday for purposes of the Attendance Rules for Employees in State Departments and Institutions and subject employees shall be allowed a day off on such day, or a day shall be allowed in lieu thereof.

This amendment is required to conform the Attendance Rules for Employees in State Departments and Institutions with such law, policies and Memoranda as described above herein.

As no person or entity is likely to object to the rule as written, the proposed rule is advanced as a consensus rule pursuant to State Administrative Procedure Act (SAPA) § 202(1)(b)(i).

**Job Impact Statement**

By amending Title 4 of the NYCRR to provide for inclusion of Juneteenth as a day off or pass day for employees subject to the Attendance Rules for Employees in New York State Departments and Institutions, this rule will not negatively impact jobs or employment opportunities for eligible employees, as set forth in section 201-a(2)(a) of the State Administrative Procedure Act (SAPA). Therefore, a Job Impact Statement (JIS) is not required by section 201-a of such Act.

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

**Supplemental Military Leave Benefits**

**I.D. No.** CVS-14-21-00002-P

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

**Proposed Action:** Amendment of sections 21.15 and 28-1.17 of Title 4 NYCRR.

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

**Subject:** Supplemental military leave benefits.

**Purpose:** To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2021.

**Substance of proposed rule (Full text is posted at the following State website: <https://www.cs.ny.gov/commission/calendars/March21cal-web.pdf>):** The proposed rule amends sections 21.15 and 28-1.17 of the Attendance Rules for Employees in New York State Departments and Institutions to continue the availability of the single grant of supplemental military leave with pay and further leave at reduced pay through December 31, 2021, and to provide for separate grants of the greater of 22 working days or 30 calendar days of training leave at reduced pay during calendar year 2021. Union represented employees already receive these benefits pursuant to memoranda of understanding (MOUs) negotiated with the Governor’s Office of Employee Relations (GOER). The proposed rule merely amends section 21.15 of the Attendance Rules consistent with the current MOUs, and amends section 28-1.17 to extend equivalent benefits to employees serving in positions designated managerial or confidential (m/c).

Under current statute, section 242 of the New York State Military Law provides that public officers and employees who are members of the organized militia or any reserve force or reserve component of the armed forces of the United States may receive the greater of 22 working days or 30 calendar days of leave with pay to perform ordered military duty in the service of New York State or the United States during each calendar year or any continuous period of absence.

Following the events of September 11, 2001, certain State employees have been ordered to extended active military duty, or frequent periods of intermittent active military duty. These employees faced the loss of State salary, with attendant loss of benefits for their dependents, upon exhaustion of the annual grant of Military Law paid leave. Accordingly, supplemental military leave, leave at reduced pay and training leave at reduced pay were made available to such employees pursuant to MOUs negotiated with the employee unions. Corresponding amendments to the Attendance Rules were adopted extending equivalent military leave benefits to employees in m/c designated positions. While these benefits are intended to expire upon a date certain, the benefits described herein have been repeatedly renewed in the wake of the continuing war on terror, including homeland security activities, and the armed conflicts in Afghanistan and Iraq.

With respect to supplemental military leave, eligible State employees federally ordered, or ordered by the Governor, to active military duty (other than for training) in response to the war on terror receive a single, non-renewable grant of the greater of 22 working days or 30 calendar days of supplemental military leave with full pay.

With respect to military leave at reduced pay, upon exhaustion of the military leave benefit conferred by the Military Law, and the single grant of supplemental military leave with pay, and any available accruals (other than sick leave) which an employee elects to use, employees who continue to perform qualifying military duty are eligible to receive military leave at reduced pay. Compensation for such leave is based upon the employee's regular State salary as of his/her last day in full pay status (defined as base pay, plus location pay, plus geographic differential) reduced by military pay (defined as base pay, plus food and housing allowances) received from the United States or New York State for military service, if the former exceeded the latter. While in leave at reduced pay status, employees are eligible to receive leave days due upon his/her personal leave anniversary if such anniversary date falls during a period of military leave at reduced pay, and can accumulate biweekly vacation and sick leave credits for any pay period in which they remain in full pay status for at least seven out of ten days (or a proportionate number of days for employees with work weeks of less than 10 days per bi-weekly pay period.) These leave benefits are available even for employees who do not receive supplemental pay because their military salaries (as defined) exceed their regular State pay.

With respect to training leave at reduced pay, many employees ordered to military duty in response to the war on terror also continue to perform other required military service unrelated to the war on terror. To support employees performing other military duty, including mandatory summer and weekend training and other activation, a new category of leave was established, entitled "training leave at reduced pay." Eligible employees receive the greater of 22 work days or 30 calendar days of training leave at reduced pay following qualifying military duty in response to the war on terror, and after depleting the annual Military Law grant of leave with pay and any leave credits (other than sick leave) that they elect to use. Training leave at reduced pay may then be used for any ordered military duty during the calendar year that is not related to the war on terror. Employees who have already utilized leave at reduced pay receive the same compensation for any periods of training leave at reduced pay. Employees who have not used leave at reduced pay prior to their initial use of training leave at reduced pay are paid according to the employee's regular State salary as of his or her last day in full pay status reduced by military pay received from the United States or New York State for military service, if the former exceeds the latter. Employees on training leave at reduced pay retain the same leave accrual benefits as apply to leave at reduced pay.

The proposed rule extends the availability of supplemental military leave with pay, leave at reduced pay and training leave at reduced pay through December 31, 2021. Employees must establish eligibility for supplemental military leave (provided they have not already depleted the single grant of such leave), leave at reduced pay and training leave at reduced pay during 2021 by performing qualifying military service.

Employees on leave at reduced pay or training leave at reduced pay on January 1, 2021, have their rate of pay calculated from their base State pay as of January 1, 2021, reduced by the military pay rate applied to their most recent period in either reduced pay category prior to 2021. For employees who have used leave at reduced pay or training leave at reduced pay prior to year 2021, their pay for either type of reduced pay leave at any point between January 1, 2021 and December 31, 2021, will be calculated from their base State pay as of their last day in full pay status after January 1, 2021, prior to their initial use of leave of reduced pay or training leave at reduced pay, offset by the rate of military pay from their most recent period of reduced pay leave, prior to 2021. Employees whose initial use of either reduced pay leave category occurs during 2021 will have their pay rate determined by their base State pay on their last day of full pay status, minus military pay. For all employees receiving leave at reduced pay or training leave at reduced pay in 2021, the initial pay calculation will apply to all subsequent periods of reduced pay leave.

The proposed amendment provides that in no event shall supplemental military leave, leave at reduced pay or training leave at reduced pay be granted for military service performed after December 31, 2021, nor shall such leaves be available to employees who have voluntarily separated from State service or who are terminated for cause.

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

**Data, views or arguments may be submitted to:** Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

#### **Consensus Rule Making Determination**

Section 6(1) of the Civil Service Law authorizes the State Civil Service Commission to prescribe and amend suitable rules and regulations concerning leaves of absence for employees in the Classified Service of the State.

Since September 11, 2001, certain State employees have been federally ordered, or ordered by the Governor, to active military duty. The New York State Military Law provides for the greater of 22 working days or 30 calendar days of military leave at full (State) pay for ordered service during each calendar year or continuous period of absence. Employees ordered to prolonged active duty, or repeatedly ordered to intermittent periods of active duty, faced exhaustion of the Military Law leave with pay benefit. Further periods of military service would then subject these employees to economic hardship from the loss of their regular State salaries and deprive their dependents of needed benefits derived from State employment.

To support State employees called to military duty after September 11, 2001, the Governor's Office of Employee Relations (GOER) executed memoranda of understanding (MOUs) with the employee unions to provide for a supplemental grant of military leave with pay and leave at reduced pay. Subsequent MOUs established a new benefit entitled training leave at reduced pay. These military leave benefits have been repeatedly renewed in the wake of the ongoing War on Terror, including homeland security activities and military operations in Afghanistan and Iraq.

The Governor's Office of Employee Relations has executed new MOUs with the Classified Service employee unions extending the availability of the single grant of supplemental military leave with pay and leave at reduced pay, and training leave at reduced pay through December 31, 2020. The State Civil Service Commission shall amend the Attendance Rules in accordance with the MOUs and extend equivalent benefits to employees serving in m/c designated positions.

The Civil Service Commission has received no public comments after publication of prior amendments to the Attendance Rules establishing or re-authorizing the benefits now put forward for renewal. Previous re-adoptions of the proposed amendments have been proposed and adopted as consensus rules. As no person or entity is likely to object to the rule as written, the proposed rule is advanced as a consensus rule pursuant to State Administrative Procedure Act (SAPA) § 202(1)(b)(i).

#### **Job Impact Statement**

By amending Title 4 of the NYCRR to extend the availability of supplemental military leave, leave at reduced pay and training leave at reduced pay for eligible employees subject to the Attendance Rules for Employees in New York State Departments and Institutions, these rules will positively impact jobs or employment opportunities for eligible employees, as set forth in section 201-a(2)(a) of the State Administrative Procedure Act (SAPA). Therefore, a Job Impact Statement (JIS) is not required by section 201-a of such Act.

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## Department of Economic Development

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### EMERGENCY RULE MAKING

#### **Excelsior Jobs Program**

**I.D. No.** EDV-14-21-00006-E

**Filing No.** 278

**Filing Date:** 2021-03-22

**Effective Date:** 2021-03-22

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

**Action taken:** Addition of Part 197 to Title 5 NYCRR.

**Statutory authority:** Economic Development Law, art. 17; L. 2010, ch. 59; 2015, ch. 59; 2016, ch. 59

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

**Specific reasons underlying the finding of necessity:** The Excelsior Jobs Program provides job creation and investment incentives to firms that create and maintain new jobs or make significant capital investment. To date, this program has been a successful tool as the Department seeks to attract jobs and investment to New York State to grow its economy.

However, recent projections now suggest that, due to the COVID-19 pandemic, New York State's economy will lose \$243 billion over the course of the recovery. It appears the COVID-19 recession will be deeper, and its subsequent recovery longer, than the 2008 Great Recession or the recession that followed the terrorist attacks of September 11, 2001.

In this context, several of ESD's dedicated partners — communities, non-profits, entrepreneurs and businesses — have reached out to ESD expressing their grave concerns over their ability to meet their original commitments that were made in good faith. In such times, it is imperative that ESD take no action that would exacerbate the tremendous economic damage that has already been inflicted, nor create artificial pressure for businesses to return employees to work in the midst of a parallel public health crisis—particularly when the State has ordered these same businesses to close for the greater public good.

This emergency rule is necessary because it provides the Program with the discretion to allow affected businesses to have their 2020 benefit year and commensurate commitments deferred to 2021 if the business provided the Commissioner information sufficient to determine that they have been negatively impacted by the state of emergency. This practically has the effect of extending the preliminary schedule of benefits for one additional year for a business affected by a state of emergency such as the COVID-19 emergency. It is imperative that the administration of this Program remains flexible during a State declared emergency as businesses affected by an emergency such as COVID-19 may not be able to meet their commitments in 2020 because of the severe economic impact of the emergency. This rule is important so that New York remains business friendly and competitive with other States, regions, and even countries as businesses make their investment and location decisions.

Emergency adoption of this rule will enable the State to act to provide this relief to Excelsior participants immediately. Section 356 of the Economic Development Law expressly authorizes the Commissioner of Economic Development to promulgate regulations on an emergency basis.

**Subject:** Excelsior Jobs program.

**Purpose:** Give discretion to defer a business' 2020 schedule of benefits by one year if it has been negatively affected by COVID emergency.

**Text of emergency rule: Part 197 Commissioner Discretion During State Emergency**

**§ 197.1 Applicability**

(a) Notwithstanding the above regulations, with respect to applications in this program from businesses that have provided the Commissioner information sufficient to determine that they have been negatively impacted by a state of emergency, the Commissioner, subject to approval by Division of Budget, shall have discretion to suspend or modify the provisions of these regulations or parts thereof as a result of the State emergency in order to allow an affected business with an active preliminary schedule of benefits to have their 2020 benefit year and commensurate commitments deferred to 2021, thereby extending their preliminary schedule of benefits by one additional year. Such discretion shall expire on December 31, 2020 or upon the actual expiration of the Governor's Executive Order declaring such emergency, whichever is later.

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires June 19, 2021.

**Text of rule and any required statements and analyses may be obtained from:** Thomas Regan, Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5120, email: thomas.regan@esd.ny.gov

**Regulatory Impact Statement**

**STATUTORY AUTHORITY:**

Section 356 of the Economic Development Law authorizes the Commissioner of Economic Development to promulgate regulations to implement the Excelsior Jobs Program ("the Program").

**LEGISLATIVE OBJECTIVES:**

This rulemaking accords with the public policy objectives the Legislature sought to advance in creating competitive financial incentives for businesses to create jobs and invest in the new economy. The Excelsior Jobs Program is created to support the growth of the State's traditional economic pillars, including the manufacturing and financial industries, and to ensure that New York emerges as the leader in the knowledge, technology and innovation-based economy. The Program encourages the expansion in and relocation to New York of businesses in growth industries such as clean-tech, broadband, information systems, renewable energy and biotechnology. This rulemaking provides certain discretion to the Program as further discussed below.

**NEEDS AND BENEFITS:**

This rule making amends the regulations for the Excelsior Jobs Program, which is one of the State's key economic development tools for ensuring that businesses in the new economy choose to expand or locate in New York State.

Specifically, the rule provides the Program with the discretion to allow affected businesses to have their 2020 benefit year and commensurate commitments deferred to 2021 if the business provided the Commissioner information sufficient to determine that they have been negatively impacted by a state of emergency. This practically has the effect of extending the preliminary schedule of benefits for one additional year for a busi-

ness affected by a state of emergency such as the COVID-19 emergency. It is imperative that the administration of this Program remains flexible during a State declared emergency as businesses affected by an emergency such as COVID-19 may not be able to meet their commitments in 2020 because of the severe economic impact of the emergency. This rule is important so that New York remains business friendly and competitive with other states, regions, and even countries as businesses make their investment and location decisions.

**COSTS:**

A. Costs to private regulated parties: None. There are no regulated parties in the Excelsior Jobs Program, only voluntary participants.

B. Costs to the agency, the state, and local governments: The Department of Economic Development does not anticipate any significant costs with respect to implementation of this program. There is no additional cost to local governments.

C. Costs to the State government: None. There will be no additional costs to New York State as a result of the rule making.

**LOCAL GOVERNMENT MANDATES:**

None. There are no mandates on local governments with respect to the Excelsior Jobs Program. This rule does not impose any costs to local governments for administration of the Excelsior Jobs Program.

**PAPERWORK:**

The rule requires businesses choosing to participate in the Excelsior Jobs Program to establish and maintain complete and accurate books relating to their participation in the Excelsior Jobs Program for a period of three years beyond their participation in the Program. However, this requirement does not impose significant additional paperwork burdens on businesses choosing to participate in the Program but instead simply requires that information currently established and maintained be shared with the Department in order to verify that the business has met its job creation and investment commitments.

**DUPLICATION:**

The rule does not duplicate any state or federal statutes or regulations.

**ALTERNATIVES:**

Consideration was given to not taking such relief action, but it was determined that due to the economic downturn caused by COVID-19, the flexibility created by the regulation was needed at this time.

**FEDERAL STANDARDS:**

There are no federal standards in regard to the Excelsior Jobs Program. Therefore, the rule does not exceed any federal standard.

**COMPLIANCE SCHEDULE:**

The period of time the State needs to assure compliance is negligible, and the Department of Economic Development expects to be compliant immediately upon the effective date of filing.

**Regulatory Flexibility Analysis**

The Excelsior Jobs Program is a statewide tax credit program. Although there are small businesses in New York State that are eligible to participate in the program, participation by the businesses is entirely at their discretion. The emergency rule will not have a substantial adverse economic impact on small businesses and local governments. On the contrary, because the rule involves a tax credit program designed to attract business and jobs to New York State, it will have a positive economic impact on the State. Accordingly, a regulatory flexibility analysis for small business and local governments is not required and one has not been prepared.

**Rural Area Flexibility Analysis**

The Excelsior Jobs Program is a statewide business assistance program. Strategic businesses in rural areas of New York State are eligible to apply to participate in the program entirely at their discretion. Municipalities are not eligible to participate in the Program. The emergency rule does not impose any special reporting, recordkeeping or other compliance requirements on private entities in rural areas. Therefore, the emergency rule will not have a substantial adverse economic impact on rural areas nor on the reporting, recordkeeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required, and one has not been prepared.

**Job Impact Statement**

The emergency rule relates to the Excelsior Jobs Program. The Excelsior Jobs Program will enable New York State to provide financial incentives to businesses in strategic industries that commit to create new jobs and/or to make significant capital investment. The rule provides discretion and flexibility to the Program during State declared emergencies. This program, given its design and purpose, will have a substantial positive impact on job creation and employment opportunities. Accordingly, a job impact statement is not required, and one has not been prepared.

## Department of Financial Services

### ERRATUM

A Notice of Adoption for I.D. No. DFS-52-20-00001-A relating to “Principle-Based Reserving” and published in the March 31, 2021 issue of the *State Register* was inadvertently identified as DFS-43-19-00017-A. All other information presented in the notice is accurate. The correct heading for the notice follows:

**Principle-Based Reserving**  
**I.D. No.** DFS-52-20-00001-A  
**Filing No.** 250  
**Filing Date:** 2021-03-11  
**Effective Date:** 2021-03-31

### NOTICE OF ADOPTION

#### Information Subject to Confidential Treatment Under Section 36.10 of the Banking Law

**I.D. No.** DFS-36-20-00007-A  
**Filing No.** 275  
**Filing Date:** 2021-03-19  
**Effective Date:** 2021-04-07

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

**Action taken:** Addition of Part 7 to Title 3 NYCRR.

**Statutory authority:** Banking Law, sections 10, 14, 36; Financial Services Law, sections 102, 201, 202, 301 and 302

**Subject:** Information Subject to Confidential Treatment under Section 36.10 of the Banking Law.

**Purpose:** To create exemptions for auditors and attorneys to the prior written approval procedure for Banking Law section 36.10.

**Text of final rule:** Superintendent’s Regulations: Information Subject to Confidential Treatment Under Section 36.10 of The Banking Law

#### § 7.1 Definitions.

(a) The term confidential supervisory information shall mean any information that is covered by section 36.10 of the Banking Law.

(b) The term independent auditor shall mean a certified public accountant or a firm lawfully engaged in the practice of public accountancy retained or engaged by a regulated entity to provide accounting or auditing services to such regulated entity.

(c) The term legal counsel shall mean an external attorney and counselor at law admitted to practice in any of the courts of record of the United States or a law firm retained to provide legal representation to the regulated entity.

(d) The term regulated entity shall mean an entity or individual licensed, chartered, authorized, registered, or otherwise subject to supervision by the Department under the Banking Law.

(e) The term person shall include any individual, partnership, corporation, trust, association, or any other form of entity, as well as any federal, state, or local government or any agency, instrumentality or political subdivision thereof.

#### § 7.2 Disclosure of Confidential Supervisory Information.

(a) General Rule. Except as provided in section 36.10 of the Banking Law, or subdivisions (b), (c) and (d) below, a regulated entity shall not disclose any confidential supervisory information to any person without the prior written approval of the Department and subject to any terms and conditions that are imposed by the Department on any such disclosure.

(b) Limited Exception to Prior Written Approval Requirement. Notwithstanding the requirements of subdivision (a) of this section, without obtaining the prior written approval of the Department, a regulated entity may disclose confidential supervisory information, which is lawfully in the possession of such regulated entity, to legal counsel or an independent auditor that has been retained or engaged by such regulated entity pursuant to an engagement letter or written agreement, provided that such legal counsel or an independent auditor has in writing:

(1) acknowledged that such disclosed information is confidential supervisory information under section 36.10 of the Banking Law; and

(2) agreed to abide by, the prohibition on the dissemination of confidential supervisory information contained in subdivision (a) of this section.

(c) Exception for Client Acceptance of New or Continuing Engagement

of Independent Auditors. A regulated entity may disclose confidential supervisory information, which is lawfully in the possession of such regulated entity, to independent auditors as part of the independent auditor’s acceptance of a new client engagement or the continuation of an existing annual audit engagement; provided that the regulated entity receives a written acknowledgement from the independent auditor that such disclosed information is confidential supervisory information under section 36.10 of the Banking Law, and the independent auditor agrees in writing to abide by the prohibition on the dissemination of confidential supervisory information contained in subdivision (a) of this section.

(d) Exception for Affiliates. When necessary and appropriate for business purposes, a regulated entity may disclose confidential supervisory information, which is lawfully in the possession of such regulated entity, to its affiliates and the directors, officers and employees thereof on the condition that such persons maintain the confidentiality of such information.

(e) Duty When Served. Any regulated entity, any affiliate, legal counsel, independent auditor or any other person served with a request, subpoena, order, motion to compel, or other judicial or administrative process to provide confidential supervisory information shall:

(1) immediately notify and inform the Office of the General Counsel of the Department of all relevant facts, including the specific documents and information requested, in a timely manner so that the Department will be able to intervene in the judicial, administrative, or other action if appropriate;

(2) inform the requester of the substance of this Part and the obligation to maintain the confidentiality of the confidential supervisory information described in subdivision (a) of section 7.2 hereof; and

(3) at the appropriate time, inform the court, the tribunal, or other issuing authority, of the substance of section 36.10 of the Banking Law and this Part.

(f) Actions of the Department Following Notice of Service. Following receipt of notice pursuant to subdivision (e) of this Part, the Department may direct the requester to intervene in the judicial, administrative, or other action, take all reasonable efforts to have the compulsory process withdrawn, register other appropriate objections, or take other action.

(g) Disclosure to Government Agencies. Upon written request to and approval by both the Senior Deputy Superintendent for Banking (or his or her delegate) and the General Counsel (or his or her delegate), when not prohibited by law, confidential supervisory information relating to a regulated entity may be made available to a state or federal supervisory agency having direct supervisory authority over such regulated entity.

(h) Intention of the Department Not to Waive Rights. The possession of confidential supervisory information by any regulated entity, any affiliate, legal counsel, independent auditor or any other person does not constitute a waiver by the Department of its right to control, or impose limitations on, the subsequent use and dissemination of such confidential supervisory information.

**Final rule as compared with last published rule:** Nonsubstantial changes were made in section 7.2(a), (b), (c), (d), (e), (f), (g) and (h).

**Text of rule and any required statements and analyses may be obtained from:** George Bogdan, Esq., Department of Financial Services, 1 State Street, New York, NY 10004, (212) 480-4758, email: george.bogdan@dfs.ny.gov

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required for the adoption of Part 7 because the non-substantive revisions to the regulation do not require a change to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

#### 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

The New York State Department of Financial Services (the “Department” or “DFS”) received 5 public comments on its revised proposal of rule 3 NYCRR 7 (“Part 7”) published in the State Register on September 9, 2020. Comments from organizations representing banks, auditors and attorneys generally asked the DFS to: (i) expand the scope and number of exemptions granted by Part 7, (ii) conform the regulation to correlative federal regulations governing confidential supervisory information (“CSI”), and (iii) clarify or remove various provisions the commenters considered ambiguous or cumbersome. These comments sometimes duplicated requests received in response to the original proposal published in the State Register on November 27, 2019. The commenters at times also responded to the first Assessment of Public Comments DFS filed with

its revised proposal (“Original APC”). In response, the Department plans to adopt a modified version of Part 7 with incremental changes.

The comments generally praised the Department for its proposal to exempt outside counsel and external auditors from the waiver procedures it presently uses pursuant to New York Banking Law section 36.10 (“NYBL 36.10”) to permit disclosures of CSI by regulated entities. Generally, the commenters sought for Part 7 to have a broader scope of application. Most commenters addressed multiple provisions of the proposed rule and suggested numerous detailed changes. The Department has processed and carefully considered every comment. This summary is intended to provide an overview of the revisions and clarifications the Department has made in response to comments, and, where applicable, the reasons for not making additional revisions or clarifications.

Please note that the Department carefully reviewed regulations concerning CSI issued by the Office of the Comptroller of Currency (the “OCC”) and the Board of Governors of the Federal Reserve System (the “FRB”). The Department did review the FRB’s most recent amendment to its CSI regulation.

#### Scope of CSI

In the Original APC, the Department noted that all materials it gathers while conducting the supervisory activities are CSI and shall not be disclosed to the public or any other third party. However, documents created by the regulated entity for business purposes, which are in its possession, are not considered CSI. One commenter asked DFS to make these statements explicitly in the text of the regulation. The Department does not think it is necessary as the original clarification is sufficient.

#### Exemptions for Auditors and Attorneys

Multiple commenters raised objections to the documentation requirements for auditors and attorneys stated in Part 7.2(b). They objected to the requirement of specific language concerning section 36.10 of the Banking Law in a written contract or engagement letter. They also objected to the document destruction requirement upon completion of an engagement. In response, the Department has written a new version of Part 7.2(b) that eliminates these requirements and permits a more flexible approach to protect CSI. The Department believes its new approach is consistent with FRB and OCC standards.

In addition, the Department has written a new Part 7.2(c) to permit auditors to review CSI when they are contemplating new client engagements or the continuation of existing annual audit engagements. Auditors have a due diligence obligation when evaluating new engagements or the continuation of existing engagements, and we now believe a special exemption is appropriate for this purpose.

#### Service Providers of Outside Counsel and External Auditors

Multiple commenters requested an exemption for the third-party service providers of attorneys and auditors. The Department did not believe such an exemption was necessary.

#### Disclosure of CSI to Other Governments

Commenters also requested that Part 7 explicitly state that regulated entities are not required to act as intermediaries for the disclosure of CSI sought by other government agencies. Please note that the Department has never required its regulated entities to act as an intermediary with other government agencies. These government agencies may freely make their requests directly to the DFS, and we encourage them to do so. DFS has numerous information sharing agreements with United States and foreign government agencies. The Department does share information with other regulators pursuant to sharing agreements and memoranda of understanding that provide for reciprocal treatment by the other government agency.

Unfortunately, the Department cannot prevent other regulators and government agencies from sending requests directly to regulated entities. Regulated entities should forward these requests to the DFS for processing. Accordingly, DFS cannot insert the explicit statement requested into Part 7.

Two commenters requested that DFS permit the central point of contact (“CPC”) of a regulated entity to approve CSI requests. They assert that a CPC should be authorized to approve disclosure of CSI to other supervisory agencies without any additional DFS review or approval. The Department acknowledges that the new FRB regulation permits CPCs to approve CSI disclosures, but the Department believes relationships with other regulators should be monitored by more senior personnel. Part 7.2(g) makes this explicit.

#### Subpoenas

One commenter partly objects to the requirements of Part 7.2(e). Part 7.2(e) requires persons and entities to promptly notify the DFS when they are served with a subpoena that demands the production of CSI. The commenter claims that, in certain instances, persons or entities may be prohibited from disclosing the existence of the subpoena and that the regulation should be amended to provide for those instances. The Department will not adopt this request. Please note that the OCC regulation has the same requirement to inform the OCC regarding demands for CSI.

#### Mergers & Acquisitions

One commenter asked the Department to specify when regulated entities may disclose CSI to potential purchasers seeking to do a merger, acquisition or similar change of control transaction. The commenter opined that an exemption for such disclosures would facilitate due diligence and integration planning.

The Department believes this request is unwise and not consistent with the policy goals of NYBL 36.10. The Department’s position, explained in the Original APC, has not changed. The Department will not create a new exception to cover mergers & acquisitions. In addition, there are no authorizations of this type of disclosure in the CSI regulations of the OCC and the FRB.

## NOTICE OF ADOPTION

### Office of Pharmacy Benefits

**I.D. No.** DFS-45-20-00007-A

**Filing No.** 276

**Filing Date:** 2021-03-19

**Effective Date:** 2021-04-07

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

**Action taken:** Addition of Part 450 (Regulation 219) to Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 102, 201, 202, 203, 205, 301, 302, 305, 306; Insurance Law, sections 110, 111, 202, 301, 306, 308, 316 and 405; L. 2020, ch. 56, part XX

**Subject:** Office of Pharmacy Benefits.

**Purpose:** To establish the Office of Pharmacy Benefits and rules for the Drug Accountability Board.

**Text of final rule:** I, Linda A. Lacewell, Superintendent of Financial Services, pursuant to the authority granted by Sections 102, 201, 202, 203, 205, 301, 302, 305, and 306 of the Financial Services Law; Sections 110, 111, 202, 301, 306, 308, 316, and 405 the Insurance Law; and Part XX of Chapter 56 of the Laws of 2020, do hereby promulgate Part 450 of new Chapter XXII of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 219), to take effect upon publication of the Notice of Adoption in the State Register to read as follows:

#### *Part 450: Office of Pharmacy Benefits*

##### *Section 450.1 Definitions*

*As used in this part:*

(a) *Board shall mean the Drug Accountability Board established by Section 202 of the Insurance Law.*

(b) *Office shall mean the Office of Pharmacy Benefits established by this Part.*

(c) *Chair shall mean the chair of the Drug Accountability Board appointed by the superintendent.*

##### *Section 450.2 Office established*

*There is hereby established within the department an Office of Pharmacy Benefits, which office shall be responsible for conducting investigations with respect to prescription drugs. Except as may be limited by order of the superintendent, the person appointed as director of the Office shall be authorized to take any action that the superintendent is authorized to take under the Insurance Law and any action authorized under any other provision of law with respect to investigations authorized under Insurance Law section 111. All documents submitted to the Office shall be submitted electronically.*

##### *Section 450.3 Membership of the board*

(a) *No person shall be a member of the board unless appointed by the superintendent to the board.*

(b) *No person shall be appointed to the board nor attend any meeting thereof unless the person has reviewed and agreed to be bound by the code of conduct for members of the board and any disclosures required thereunder.*

(1) *If the chair determines that any member of the board is not in compliance with the requirements of the code of conduct or this Part, then the member shall not take any part in any business of the board until the member comes into compliance.*

(c) *The superintendent shall appoint an employee of the department to serve as the chair of the board.*

(d) *The superintendent is not required to wait for the recommendation of the board before taking any related action.*

(e) *The membership of the board shall be appointed for a three-year term.*

(1) *All appointments shall expire on the same date three years following the appointment date of the first member of the board.*

(2) *In the event of any vacancy on the board, the superintendent may appoint a person to fill the remainder of the term.*

(f) Members of the board shall exercise their duties and responsibilities in the public interest of the people of New York State, regardless of their affiliation with, or relationship to, any facility, agency or program, category of provider, or interest group.

(g) The board is an advisory board.

**Section 450.4 Chair of the board**

(a) The chair shall be responsible for calling meetings of the board.

(b) The chair shall be responsible for the conduct of meetings of the board.

(c) The chair shall be responsible, in the chair's sole discretion, for all determinations of recusal.

(d) The chair may adopt by-laws related to the conduct of board operations.

**Section 450.5 Board recusals**

(a) If a conflict of interest, or appearance of a conflict of interest, arises with a member of the board, the member shall recuse himself or herself from participating in the presentation, discussion or vote for which the conflict arises.

(b) The office shall determine, before any materials are shared with the members of the board, if a conflict of interest, or appearance of a conflict of interest, arises with any member of the board and shall report the conflict to the chair for a determination.

(c) Each member of the board shall review the topics to be discussed at each meeting of the board in advance and shall communicate in writing any real or potential conflict, or the appearance of any conflict, to the chair prior to reviewing any materials or attending any meetings of the board.

(d) The chair shall have final authority to determine whether and when recusal is required, or whether the conflict of interest can be avoided only by divestiture or resignation from the board.

**Section 450.6 Meetings of the board**

(a) Meetings of the board shall be held only upon the call of the chair, and the chair, in the chair's sole discretion, may adjourn a meeting of the board for any reason. No quorum is needed to hold a meeting.

(b) Location of meetings. The meetings of the board may be held at any office of the department or may be held virtually.

(1) The location of the meeting shall be determined by the chair.

(c) Notice of meetings. The chair shall provide notice of not less than ten business days of any meeting of the board.

(1) Notwithstanding the requirements of this subdivision, the chair may call a meeting on less than ten business days' notice in the event of unusual or extraordinary circumstances.

(d) Attendance at meetings.

(1) Pursuant to Insurance Law section 202, the meetings of the board shall be private and not subject to disclosure.

(2) No recordings of the meetings of the board shall be made by any person; however, an official set of minutes for the meetings may be recorded by a representative of the office.

(3) No person shall be permitted to attend, view, or listen to any meeting of the board unless the person is:

(i) a member of the board;

(ii) a member of the office; or

(iii) an expert engaged by the office to provide a briefing to the board.

(4) The board may request a presentation on any subject relevant to any inquiry before the board from any state agency or authority. Such request shall be reviewed by the office and if the director approves the request, the office shall arrange an expert briefing to the board.

(e) Adoption of the report of the board. A report of a board may be adopted outside of a meeting of the board provided that all non-recused members of the board are provided the report at least two business days prior to the close of voting on adoption.

(1) Not less than seven days before the board adopts a report, the office may convey to the person that was required to submit a written statement under subsection (a) of Insurance Law section 111 anticipated findings provided by the board. Such person shall keep the proposed findings confidential and, pursuant to Insurance Law sections 111 and 202, such anticipated findings shall not be subject to disclosure. Such person may convey a response to the anticipated findings, and such response must be received by the board within seven days after the proposed findings are conveyed.

(2) No report of the board shall be adopted except by a majority vote of the non-recused members of the board.

(3) Any adopted report shall be an advisory report.

**Final rule as compared with last published rule:** Nonsubstantial changes were made in section 450.6(e).

**Text of rule and any required statements and analyses may be obtained from:** Eamon Rock, Department of Financial Services, One Commerce Plaza, Albany, New York 12257, (518) 402-3386, email: Eamon.Rock@dfs.ny.gov

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required for the adoption of new Part 450 to 11 NYCRR (Insurance Regulation 219) because the non-substantive revisions to the regulation do not require a change to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

**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**

The Department of Financial Services ("Department") received comments from one entity that represents pharmaceutical manufacturers.

**Comment**

The commenter expressed concerns about the protection of highly-sensitive confidential information and requested that the Department amend the proposed regulation to include additional process safeguards to protect confidential and proprietary data from being publicly disclosed.

**Response**

Section 450.3 references a "Code of Conduct" that individuals are required to sign in order to be appointed to the Drug Accountability Board ("DAB"). The Code of Conduct sets strict ethical protocols and responsibilities for DAB members. The Code of Conduct includes provisions specifically addressing conflicts of interest, confidential information and a recusal process. DAB Members are required to complete a financial disclosure and may access information only through the Department's secure platform. DAB members are required to attend an ethics training session.

Notably, Insurance Law Section 111 requires that any information obtained in an investigation shall be confidential and shall not be subject to disclosure by the Department, except to the drug accountability board, which may review the information and, as necessary, include any such information in its report. Section 202 also provides that information reviewed by the DAB is subject to confidential treatment. The Department finds that including additional confidentiality protections to the regulation is unnecessary given the protections already provided by statute and the Code of Conduct. Finally, DFS will perform outreach to the commenter inviting discussions on the contents of the Code of Conduct to ensure any concerns they have are adequately addressed. Thus, no changes are necessary in response to these comments.

**Comment**

The commenter commented on the Department's recusal authority being vested in the Chairperson of the Board.

**Response**

The Department's decision to provide the Chairperson with ultimate recusal authority provides a check on the self-recusal requirements contained in the Code of Conduct. While DAB members are required to recuse themselves, the Chairperson has final authority on recusal of a member. Providing the Chairperson with final authority to determine whether and when recusal is required is consistent with the governing rules for similar state drug review boards. This measure prevents abuses that could occur under an unchecked self-recusal policy. Thus, no changes are necessary in response to this comment.

**Comment**

The commenter requested that the regulation include more detail on the processes by which the Office of Pharmacy Benefits (OPB) and the DAB operate.

**Response**

Insurance Law Sections 111 and 202 provide the mechanism by which the OPB and DAB operate. This regulation establishes rules to operate the OPB and the DAB and includes provisions for, among other things, the adoption of by-laws related to the conduct of board operations, which can provide additional details about the internal operations of the DAB. Given the confidential deliberations provided for in the statute, the Department has determined this is the appropriate manner to handle detailed operational questions. Thus, no changes were necessary in response to this comment.

**Comment**

The commenter suggested that the subject of an investigation should have access into the information reviewed and presentations to the DAB or Department and an opportunity to respond.

**Response**

Providing the subject of an investigation an opportunity to respond to anticipated conclusions of the board will ensure the DAB members have balanced input. Such an opportunity to comment is consistent with the Department's intent in proposing the rule. The final rule contains a provi-

sion that will enable the subject of an investigation to respond to a set of anticipated findings of the DAB before the report is finally adopted.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Public Adjusters

I.D. No. DFS-14-21-00007-P

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

**Proposed Action:** Amendment of Part 25 (Regulation 10) of Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301, 2101(g)(2), 2108, 2110(a) and 2134

**Subject:** Public Adjusters.

**Purpose:** To update the rule regarding public adjusters, including to conform to Chapter 546 of the Laws of 2013.

**Substance of proposed rule (Full text is posted at the following State website: [https://www.dfs.ny.gov/industry\\_guidance/regulations/proposed\\_insurance](https://www.dfs.ny.gov/industry_guidance/regulations/proposed_insurance)):** The titles of Sections 25.1 and 25.2 are amended and the bodies of Sections 25.1 and 25.2 are amended to make technical amendments.

Section 25.3 is amended to make clear that a public adjuster may not solicit the adjustment of a loss between 6:00 p.m. and 8:00 a.m. through a contractor or any other individual or entity and to make technical amendments.

Section 25.4 is amended to require a public adjuster to notify the Department of Financial Services of a change in the public adjuster's business or residence telephone number, fax number, or email address within 30 days of the change.

Section 25.5 is amended to add definitions of "business entity", "within the second degree of consanguinity", and "supplemental claim" and to make technical amendments.

Section 25.6 is amended to provide that pursuant to Insurance Law Section 2108(s)(2)(A), a public adjuster may not receive any compensation, either directly or indirectly, for a referral of the insured to an individual or entity for services, work, or repairs relating to any insurance claim for which the public adjuster represents the insured or has negotiated or effected a settlement, unless the compensation is prominently and clearly disclosed to the insured in a written compensation agreement. Pursuant to Insurance Law Section 2108(s)(2)(B), a public adjuster who has a financial or ownership interest, directly or indirectly, in an individual or entity that performs services, work, or repairs, or is the spouse of the individual having such an interest, may not refer the insured to the individual or entity unless the financial or ownership interest is prominently and clearly disclosed to the insured in the written compensation agreement. If a public adjuster refers an insured to such an individual or entity, then the written compensation agreement required by this section must be a separate document from any agreement or contract entered to perform services, work, or repairs. Every such agreement or contract must itemize all fees in writing and may not be used to circumvent or in any way increase the amount that the public adjuster may charge pursuant to Section 25.7.

Section 25.6 is further amended to state that pursuant to Insurance Law Section 2108(s)(2)(B), if a public adjuster refers an insured to an individual who is related to the public adjuster by blood or affinity within the second degree of consanguinity, or to an entity owned or controlled by such an individual, for services, work, or repairs relating to any insurance claim for which the public adjuster represents the insured or has negotiated or effected a settlement, then the public adjuster must disclose the relationship to the insured in the written compensation agreement. If a public adjuster refers an insured to an individual or entity described in Section 25.6(e) subsequent to the written compensation agreement being signed by the party to be charged, then the public adjuster may not receive any compensation unless the public adjuster obtains an acknowledged disclosure statement that is consistent with Form 2 in Section 25.13(b). The disclosure statement is limited to the disclosure of the referral fees, and the party to be charged who signed the original compensation agreement must acknowledge by signature the disclosure statement. The public adjuster must provide a copy of the signed disclosure statement to the insurer.

Section 25.6 also is amended to provide that a public adjuster may not require an insured to use any individual or entity for services, work, or repairs relating to any insurance claim for which the public adjuster represents or represented the insured or has negotiated or effected a settlement. If services rendered by an outside expert or consultant retained or employed by the public adjuster directly relate to the adjusting function

of a public adjuster, then the public adjuster must include the fees for those services in the written compensation agreement and is subject to the maximum compensation set forth in Section 25.7.

Section 25.7 is amended to state that a public adjuster may not charge a fee in excess of 12.5 percent of the recovery for services rendered by the public adjuster, with respect to a claim, except a public adjuster may charge a fee of up to 20 percent on a supplemental claim if the aggregate fee charged is less than or equal to 12.5 percent of the full claim payment. The public adjuster must compute the fee based upon any monies paid by the insurer for any insurance claim for which the public adjuster represents the insured or has negotiated or effected a settlement, after the insured has retained the services of the public adjuster. Any compensation received by a public adjuster, either directly or indirectly, for a referral of an insured to an individual or entity for services, work, or repairs relating to any insurance claim for which the public adjuster represents or represented the insured or has negotiated or effected a settlement, is deemed to be compensation from the insured and, in combination with any other compensation received from the insured, may not exceed the maximum amount that the public adjuster may charge in accordance with this section. Notwithstanding Section 25.7(a) and (b) or Section 25.6(e)(4), a public adjuster may not receive any compensation, either directly or indirectly, for a referral described in Section 25.6(e)(2).

Section 25.9 is amended to make technical amendments and reletter subdivisions.

Section 25.10(b) is amended to make a technical amendment.

The title of Section 25.11 is amended to reference "files" and the text of Section 25.11 is amended to reference books, files, and records; communications. Section 25.11 also is amended to provide that when an insured is represented by a public adjuster, an insurer must include the public adjuster in any written or oral communications the insurer initiates with the insured unless the insured instructs the insurer otherwise in writing.

Section 25.12 is amended to state that when a claim is settled where the insured is represented by a public adjuster, the insurer must follow the direction of the insured, subject to the interests of any loss payee or mortgagee, as to who shall be named on the insurer's check or checks by following the instructions in a direction to pay letter signed by the insured and filed with the insurer. The insurer may not accept the direction to pay letter unless the letter is signed by the first named insured with respect to commercial claims and all named insureds with respect to non-commercial claims, and the letter is consistent with Form 4 in Section 25.13(d).

Section 25.12 also is amended to provide that upon the written direction of the insured, the insurer must make its check payable to both the public adjuster and the insured, or to the public adjuster named as a payee, but not in excess of the amount of the public adjuster's fee, as indicated in the written compensation agreement signed by the party to be charged and filed with the insurer, less any referral fee set forth in a disclosure statement made pursuant to Section 25.6(e)(4). If an insured does not submit a direction to pay letter to the insurer, then the insurer may not make any check payable to the public adjuster. Any payment made to a public adjuster may be only for those elements of the claim for which the public adjuster represents the insured. A direction to pay letter will be valid for any payment made pursuant to a claim unless revoked by the insured. A direction to pay letter is revocable by any named insured at any time prior to the insurer issuing a check. If an insured revokes a direction to pay letter, then the revocation must be in writing and signed by the insured. The insured must submit the revocation to the insurer and provide the public adjuster with a copy. A public adjuster may not condition doing business with an insured on the insured signing a direction to pay letter that directs the insurer to name the public adjuster on the check.

Section 25.12 is further amended to provide that any mediation, arbitration, or litigation proceeding involving a dispute regarding a loss in New York between an insured and a public adjuster initiated by a public adjuster must be filed and held in New York and will be subject to the laws of New York.

Section 25.13 is repealed and a new section 25.13 is added to set forth a public adjuster compensation agreement form, disclosure statement form, notice of cancellation form, and direction to pay form.

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

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

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

**Summary of Regulatory Impact Statement (Full text is posted at the following State website: [https://www.dfs.ny.gov/industry\\_guidance/regulations/proposed\\_insurance](https://www.dfs.ny.gov/industry_guidance/regulations/proposed_insurance)):** 1. Statutory authority: Financial Services Law Sections 202 and 302 and Insurance Law Sections 301, 2101(g)(2), 2108, 2110(a), and 2134.

Financial Services Law Section 202 establishes the office of the Superintendent of Financial Services (“Superintendent”). Financial Services Law Section 302 and Insurance Law Section 301, in material part, authorize the Superintendent to effectuate any power accorded to the Superintendent by the Financial Services Law, Insurance Law, or any other law, and to prescribe regulations interpreting the Insurance Law.

Insurance Law Section 2101(g)(2) defines the term “public adjuster.”

Insurance Law Section 2108 sets forth the licensing requirements for and duties of public adjusters and provides that every public adjuster has an affirmative duty to act on behalf and in the best interests of the insured when negotiating for or effecting the settlement of an insurance claim for the insured or otherwise acting as a public adjuster. This section also prohibits a public adjuster from receiving compensation unless the adjuster obtains a written memorandum, signed by the party to be charged, that specifies the amount of the compensation. Section 2108 further prohibits a public adjuster from receiving any compensation for referring an insured to certain persons unless the public adjuster discloses the compensation in writing, and if the public adjuster has a financial or ownership interest in the person or is related to the person to the second degree of consanguinity, discloses in writing the relationship between the public adjuster and person.

Insurance Law Section 2110(a) sets forth the grounds on which the Superintendent may refuse to renew, may revoke, or may suspend a public adjuster’s license, including when the public adjuster has failed to act on behalf and in the best interests of the insured when negotiating for or effecting the settlement of an insurance claim for such insured or otherwise acting as a public adjuster, or has failed to make the disclosures required by Insurance Law Section 2108(s)(2).

Insurance Law Section 2134 requires any person licensed under Insurance Law Article 21 to inform the Superintendent of a change of address within 30 days of the change.

2. Legislative objectives: Insurance Law Section 2108 sets forth the licensing requirements for and duties of public adjusters. Chapter 546 of the Laws of 2013 amended Insurance Law Sections 2108 and 2110(a) to provide that every public adjuster has an affirmative duty to act on behalf and in the best interests of the insured when negotiating for or effecting the settlement of an insurance claim for the insured or otherwise acting as a public adjuster; prohibit a public adjuster from receiving any compensation for referring an insured to certain persons unless the public adjuster discloses in writing the compensation and certain relationships between the public adjuster and person if they exist; and clearly authorize the Superintendent to refuse to renew, revoke, or suspend a public adjuster’s license if the public adjuster has failed to act in the best interests of an insured.

This amendment to the rule implements and accords with the Legislature’s public policy objectives by reflecting the amendments made to the Insurance Law by Chapter 546. In addition, the Department of Financial Services (“DFS”) has not substantively amended this rule since 1986. Therefore, this amendment to the rule makes other changes to update the rule and to ensure that public adjusters act in the best interests of insureds.

3. Needs and benefits: Under Insurance Law Section 2108(p) and Insurance Regulation 10, a public adjuster is not entitled to any compensation that an insured pays to the public adjuster for services rendered unless it is based upon a written compensation agreement signed by the party to be charged. In addition, Regulation 10 prohibits a public adjuster from charging any insured a fee in excess of 12.5 percent of the recovery for services rendered by the adjuster. DFS, through Office of General Counsel (“OGC”) opinions issued by one of its two predecessor agencies, the New York State Insurance Department, has taken the position that compensation from a contractor to a public adjuster for a referral is a fee for services rendered by the public adjuster. OGC Opinion No. 07-06-25 (June 26, 2007). Although the insured pays the referral fee indirectly, the compensation for the referral must be included as part of the maximum 12.5 percent fee that the public adjuster is entitled to collect under Regulation 10 and must be disclosed in the written compensation agreement. *Id.* This position is grounded on the fact that under the common law, an agent has a duty of undivided loyalty to his or her principal. OGC Opinion No. 97-9 (NLS) (Jan. 28, 1997). In a relationship between a public adjuster and an insured, the public adjuster is the agent, and the insured is the public adjuster’s principal. *Id.* As a result, a public adjuster owes a duty of undivided loyalty to the insured that hired the adjuster. *Id.*

Chapter 546 of the Laws of 2013 codified DFS’s position by amending Insurance Law Section 2108 to state that every public adjuster has an affirmative duty to act on behalf and in the best interests of the insured, and to prohibit a public adjuster from receiving any compensation for referring an insured to certain persons unless the public adjuster discloses in writing the compensation, and if the public adjuster has a financial or ownership interest in the person or is related to the person to the second degree of consanguinity, discloses in writing the relationship between the public adjuster and person. This amendment to the rule reflects the changes made by Chapter 546.

Consistent with Chapter 546, the amendment also prohibits a public adjuster from receiving any compensation, either directly or indirectly, for a referral to an individual or entity when the public adjuster has a financial or ownership interest, directly or indirectly, in the individual or entity and the individual or entity performs services, work, or repairs, or when the public adjuster is the spouse of the individual having such an interest.

The amendment also authorizes a public adjuster to charge a fee of up to 20 percent on a supplemental claim if the aggregate fee charged is less than or equal to 12.5 percent of the full claim payment, and clarifies that an insurer must follow the wishes and intents of the insured, subject to the interests of any loss payee or mortgagee, as to who must be named on the insurer’s check.

4. Costs: This amendment to the rule may impose compliance costs on public adjusters because it requires each public adjuster to notify DFS of any change of telephone number, fax number, or email address within 30 days of the change, and also requires a public adjuster to fill out additional paperwork. However, any cost to a public adjuster should be negligible.

Regarding insurers and persons who perform services, work, or repairs (“contractors”), this amendment to the rule merely implements Chapter 546 by revising the rule to reflect the amendments made to the Insurance Law by Chapter 546. It also clarifies certain provisions of the rule. Therefore, this amendment to the rule should not impose any additional compliance costs on insurers or contractors.

DFS should not incur costs for the implementation and continuation of the amendments to this rule because Chapter 546 merely codified the long-standing position of DFS and DFS is amending the rule to reflect the changes to the Insurance Law made by Chapter 546.

This rule does not impose compliance costs on local governments.

5. Local government mandates: This rule 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: Pursuant to Chapter 546 of the Laws of 2013, this amendment to the rule prohibits a public adjuster from receiving any compensation for referring an insured to certain persons unless the public adjuster discloses the compensation in writing. In addition, if the public adjuster has a financial or ownership interest in the person or is related to the person to the second degree of consanguinity, then the public adjuster must disclose such interest or relationship in writing to the insured. In addition, this amendment requires each public adjuster to notify DFS of any change of telephone number, fax number, or email address within 30 days of the change.

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

8. Alternatives: DFS considered a request by a public adjuster trade association that the signed disclosure statement required by new Section 25.6(e)(4) be kept confidential and not disclosed to the insurer, a request by an insurer trade association that DFS not include in Section 25.7 of the rule language that permits a public adjuster to charge a fee of up to 20 percent on a supplemental claim if the aggregate fee charged is less than or equal to 12.5 percent of the full claim payment, and an insurer trade association’s suggestion that DFS amend Section 25.8 of the rule to state that an insured may cancel a public adjuster contract up to three business days after notice to the insurer.

DFS also considered amending Section 25.12 of the rule to require an insurer to issue two checks in the absence of a signed direction to pay letter from an insured: one check to the insured and public adjuster in the amount of the fee indicated in the written compensation agreement and the second check payable to the insured or any loss payee or mortgagee, or both, whichever is appropriate, for the balance of the payment. DFS further considered amending Section 25.12 to provide that a direction to pay made by an insured to an insurer is valid only with respect to a particular payment by the insurer.

A complete discussion of the alternatives is posted on DFS’s website.

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

10. Compliance schedule: A public adjuster and an insurer must comply with the rule 60 days after publication of the Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

1. Effect of rule: Insurance Law Section 2108 sets forth the licensing requirements for and duties of public adjusters. Chapter 546 of the Laws of 2013 amended Insurance Law Sections 2108 and 2110(a) to provide that every public adjuster has an affirmative duty to act on behalf and in the best interests of the insured when negotiating for or effecting the settlement of an insurance claim for the insured or otherwise acting as a public adjuster; prohibit a public adjuster from receiving any compensation for referring an insured to certain persons unless the public adjuster discloses in writing the compensation and certain relationships between the public adjuster and person if they exist; and clearly authorize the Superintendent to refuse to renew, revoke, or suspend a public adjuster’s license if the public adjuster has failed to act in the best interests of an insured.

This amendment to the rule reflects the amendments made to the Insurance Law by Chapter 546. It also makes other changes to update the rule and ensure that public adjusters act in the best interests of insureds, because the Department of Financial Services (“DFS”) has not substantively amended this rule since 1986. As such, this amendment to the rule should not affect local governments.

Industry has asserted that certain insurers subject to this amendment to the rule, in particular co-op insurers and mutual insurers, are small businesses. While this amendment to the rule makes changes to provisions that set forth how insurers pay losses and to whom, these changes largely clarify DFS’s position on this topic. There may be a cost to an insurer that is a small business but the cost is difficult to estimate and will vary depending upon the insurer’s size and the way in which and to whom it is currently making payments for losses. However, any cost to an insurer that may be a small business should be minimal.

There are approximately 689 public adjusters licensed by DFS, most of whom may be small businesses. A public adjuster that may be a small business may incur additional costs as a result of this amendment to the rule because this amendment requires each public adjuster to notify DFS of any change of telephone number, fax number, or email address within 30 days of the change, and also requires a public adjuster to fill out additional paperwork. The cost is difficult to estimate but should be negligible.

With respect to public adjusters and persons who perform services, work, or repairs (“contractors”) who or that may be small businesses, the prohibition against a public adjuster receiving any compensation for referring an insured to a contractor unless the public adjuster discloses in writing the compensation and certain relationships between the public adjuster and contractor if they exist, is required by law and not by this amendment to the rule.

2. Compliance requirements: A local government will not have to undertake any reporting, recordkeeping, or other affirmative acts to comply with this amendment to the rule because the amendment does not apply to any local government. An insurer and contractor also will not have to undertake any reporting, recordkeeping, or other affirmative acts to comply with this amendment to the rule because the amendment merely implements Chapter 546. However, a public adjuster that may be a small business may incur additional costs as a result of this amendment to the rule because this amendment requires each public adjuster to notify DFS of any change of telephone number, fax number, or email address within 30 days of the change, and also requires a public adjuster to fill out additional paperwork.

3. Professional services: A local government will not need any professional services to comply with this amendment to the rule because the amendment does not apply to any local government. A public adjuster, contractor, and an insurer that may be a small business should not need to retain professional services to comply with this amendment to the rule.

4. Compliance costs: A local government will not incur any costs to comply with this amendment to the rule because the amendment does not apply to any local government. A contractor also should not incur any costs to comply with this amendment to the rule because the amendment merely implements Chapter 546.

While this amendment to the rule makes changes to provisions that set forth how insurers pay losses and to whom, these changes largely clarify DFS’s position on this topic. There may be a cost to an insurer that is a small business but the cost is difficult to estimate and will vary depending upon the insurer’s size and the way in which and to whom it is currently making payments for losses. However, any cost to an insurer that may be a small business should be minimal.

A public adjuster that may be a small business may incur additional costs as a result of this amendment to the rule because this amendment requires each public adjuster to notify DFS of any change of telephone number, fax number, or email address within 30 days of the change, and also requires a public adjuster to fill out additional paperwork. However, the cost is difficult to estimate and should be negligible.

5. Economic and technological feasibility: There should not be any issues pertaining to the economic and technological feasibility of complying with this amendment to the rule with respect to a local government because this amendment does not apply to any local government. There also should not be any issues pertaining to the economic and technological feasibility of complying with this amendment to the rule with respect to public adjusters, contractors, or insurers.

6. Minimizing adverse impact: There will not be an adverse impact on a local government because this amendment to the rule does not apply to any local government. However, there may be an adverse impact on a public adjuster, contractor, or insurer that may be a small business, but any adverse impact should be minimal because the amendment implements Chapter 546 and codifies the long-standing position of DFS on certain topics. DFS considered the approaches suggested in State Administrative Procedure Act (“SAPA”) Section 202-b(1) for minimizing adverse impacts but did not find them applicable.

7. Small business and local government participation: DFS complied with SAPA Section 202-b(6) by conducting informal outreach on this amendment to the rule in 2014 to insurer and public adjuster trade organizations that represent public adjusters and insurers who or that may be small businesses, and by meeting with representatives of a public adjuster trade organization on a few occasions. DFS also posted the amendment to the rule on its website in November 2020 for informal outreach to insurer, public adjuster, and contractor trade organizations and met with representatives of a public adjuster trade organization in February 2021. Insurers, public adjusters, and contractors who or that may be small businesses will have a further opportunity to participate in the rule making process when this amendment to the rule is published in the State Register and posted on the website of DFS.

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

1. Types and estimated numbers of rural areas: Public adjusters, insurers, and persons who perform services, work, or repairs (“contractors”) affected by this amendment to the rule operate in every county in this state, including rural areas as defined by State Administrative Procedure Act Section 102(10).

2. Reporting, recordkeeping and other compliance requirements; and professional services: This amendment to the rule imposes additional reporting, recordkeeping, and other compliance requirements by requiring each public adjuster, including public adjusters in rural areas, to notify the New York State Department of Financial Services (“DFS”) of any change of telephone number, fax number, or email address within 30 days of the change.

With respect to insurers and contractors, this amendment to the rule merely implements Chapter 546 of the Laws of 2013, which amended Insurance Law Section 2108 to state that every public adjuster has an affirmative duty to act on behalf and in the best interests of the insured, and to prohibit a public adjuster from receiving any compensation for referring an insured to certain persons unless the public adjuster discloses the compensation in writing, and if the public adjuster has a financial or ownership interest in the person or is related to the person to the second degree of consanguinity, discloses in writing the relationship between the public adjuster and the person. This amendment also clarifies certain provisions of the rule. Therefore, this amendment to the rule should not impose any additional reporting, recordkeeping, or other compliance costs on insurers or contractors, including insurers and contractors in rural areas.

A public adjuster, insurer, or contractor in a rural area should not need to retain professional services to comply with this rule.

3. Costs: This amendment to the rule may impose compliance costs on public adjusters because it requires each public adjuster, including public adjusters in rural areas, to notify DFS of any change of telephone number, fax number, or email address within 30 days of the change. However, any cost to a public adjuster should be negligible.

With respect to insurers and contractors, this amendment to the rule merely implements Chapter 546 by revising the rule to reflect the amendments made to the Insurance Law by Chapter 546. It also clarifies certain provisions of the rule. Therefore, this amendment should not impose compliance costs on insurers or contractors, including insurers and contractors in rural areas.

4. Minimizing adverse impact: This amendment to the rule uniformly affects public adjusters, insurers, and contractors who or that are located in both rural and non-rural areas of New York State. This amendment to the rule should not have an adverse impact on rural areas.

5. Rural area participation: Insurers and public adjusters in rural areas had an opportunity to participate in the rule making process when DFS conducted informal outreach in 2014 to insurer and public adjuster trade organizations on this amendment to the rule, and when DFS met with representatives of a public adjuster trade organization on a few occasions. DFS also posted the amendment to the rule on its website in November 2020 for informal outreach to insurer, public adjuster, and contractor trade organizations and met with representatives of a public adjuster trade organization in February 2021. Insurers, public adjusters, and contractors will have a further opportunity to participate in the rule making process when this amendment to the rule is published in the State Register and posted on the website of DFS.

#### **Job Impact Statement**

This amendment to the rule should not adversely impact jobs or employment opportunities in New York State. This amendment merely implements Chapter 546 of the Laws of 2013, which amended Insurance Law Section 2108 to state that every public adjuster has an affirmative duty to act on behalf and in the best interests of the insured when negotiating for or effecting the settlement of an insurance claim for the insured or otherwise acting as a public adjuster. It also amended Section 2108 to prohibit a public adjuster from receiving any compensation for referring an insured to certain persons unless the public adjuster discloses in writing the compensation and certain relationships between the public adjuster

and person if they exist. In addition, this amendment to the rule makes other changes to update and clarify the rule and to ensure that public adjusters act in the best interests of insureds.

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

#### Independent Dispute Resolution for Emergency Services and Surprise Bills

I.D. No. DFS-43-19-00017-RP

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

**Proposed Action:** Amendment of Part 400 of Title 23 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 301, 302; art. 6; Insurance Law, section 301

**Subject:** Independent Dispute Resolution for Emergency Services and Surprise Bills.

**Purpose:** To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided.

**Substance of revised rule (Full text is posted at the following State website:** [https://www.dfs.ny.gov/industry\\_guidance/regulations/proposed\\_insurance](https://www.dfs.ny.gov/industry_guidance/regulations/proposed_insurance)):

Section 400.0 is amended to describe the new laws that provide additional rights and obligations for disputes involving hospital bills for emergency services and inpatient services that follow an emergency room visit, and the new law that provides new hold harmless requirements and assignment of benefits (“AOB”) rights and obligations for emergency services and inpatient services that follow an emergency room visit.

Section 400.1 is amended to expand the applicability of the regulation to include emergency services provided by non-participating hospitals and inpatient services that follow an emergency room visit, to clarify to which services the AOB and hold harmless requirements apply, and to describe to which hospitals the regulation does not apply.

Section 400.2 is amended to revise the definition of “dispute resolution process” and add a definition of “hospital.”

Section 400.3 is amended to add references to inpatient services that follow an emergency room visit and references to non-participating hospitals.

Section 400.5 is amended to outline the responsibilities of health care plans for disputes involving hospital bills for emergency services, including inpatient services that follow an emergency room visit, and to expand the responsibilities of health care plans for disputes involving surprise bills. In a dispute involving a non-participating hospital that had not previously entered into a participating provider agreement with the health care plan, the health care plan must pay the claim in an amount it deems reasonable and may attempt to negotiate the amount. In a dispute involving a non-participating hospital that had previously entered into a participating provider agreement with the health care plan, the health care plan must pay the claim in an initial amount prescribed by statute, but may submit a dispute to independent dispute resolution (“IDR”) if it believes the initial amount is not reasonable.

The amendment outlines the process for a health care plan to submit such a dispute to IDR, which includes notifying the non-participating hospital of the health care plan’s best and final offer and providing the non-participating hospital with 15 business days to respond with its best and final offer before submitting the dispute. In all disputes for emergency services and inpatient services following an emergency room visit, the health care plan must pay the claim directly to the non-participating physician or non-participating hospital if an insured assigns benefits to the non-participating physician or non-participating hospital.

Health care plans, upon receipt of a claim for the services of a non-participating physician or other non-participating referred health care provider that could be a surprise bill and that is not submitted with an AOB form, also must provide the insured with notice that if the bill is a surprise bill and the insured submits an AOB form, then the insured will incur no greater out-of-pocket costs for the services than the insured would have incurred with a participating physician or other health care provider. The notice also must direct the insured to contact the health care plan or visit the health care plan’s website for additional information regarding surprise bills and to obtain an AOB form for surprise bills.

If a health care plan receives an AOB form and determines that the bill is not a surprise bill, then the health care plan must provide a written notice of such determination that includes the procedures for filing a grievance under Insurance Law section 4802 or Public Health Law section 4408-a and information on how to file a complaint with the Superintendent of Financial Services.

Section 400.6 is amended to detail the responsibilities of non-participating hospitals for disputes regarding emergency services, including inpatient services that follow an emergency room visit. When billing patients for emergency services, including inpatient services that follow an emergency room visit, non-participating physicians and non-participating hospitals must provide claim forms and AOB forms to patients, and if an insured assigns benefits for such services, then the non-participating physician or non-participating hospital may not bill or seek payment from the insured, except for any applicable copayment, coinsurance, or deductible that would be owed if the insured utilized a participating physician or hospital.

When a health care plan attempts to negotiate reimbursement with a non-participating hospital that had not previously entered into a participating provider agreement with the health care plan, the non-participating hospital has at least seven business days to respond to the health care plan’s offer. With respect to disputes involving emergency services, including inpatient services that follow an emergency room visit, rendered by a non-participating hospital that had previously entered into a participating provider agreement with a health care plan, if the non-participating hospital believes that the initial payment amount paid by the health care plan is not reasonable, then the non-participating hospital may submit a dispute to IDR and propose an amount it deems reasonable.

The amendment outlines the process for a hospital to submit such a dispute to IDR, which includes notifying the health care plan of the hospital’s best and final offer and providing the health care plan with 15 business days to respond with its best and final offer before submitting the dispute. If the IDR entity (“IDRE”) issues a determination in favor of the health care plan in such a dispute, then the non-participating hospital must pay any amount owed to the health care plan within 30 days from the date of the determination.

Section 400.7 is amended to add references to inpatient services that follow an emergency room visit and non-participating hospitals. It also requires health care plans to submit information about the coverage type when submitting disputes to IDR, and requires parties to disputes involving a non-participating hospital that had previously entered into a participating provider agreement with the health care plan, for emergency services, including inpatient services that follow an emergency room visit, to provide their best and final offer when submitting disputes.

Section 400.8 is amended to add references to non-participating hospitals and to the best and final offers of the parties for disputes involving a non-participating hospital that had previously entered into a participating provider agreement with the health care plan. The amendment provides that, in disputes involving a health care plan, in determining a reasonable fee for the services rendered, an IDRE shall select either the health care plan’s payment, or in cases involving a non-participating hospital that had previously entered into a participating provider agreement with the health care plan, the health care plan’s best and final offer, if applicable, or the non-participating physician’s or other non-participating referred health care provider’s fee, or the non-participating hospital’s fee, or, in cases involving a non-participating hospital that had previously entered into a participating provider agreement with the health care plan, the non-participating hospital’s best and final offer, as applicable. The amendment also provides that in determining a reasonable fee, the IDRE must consider any other information submitted by the parties, in addition to the conditions and factors set forth in Financial Services Law section 604.

Section 400.10 is amended to add references to non-participating hospitals and to the best and final offers of the parties regarding disputes involving a non-participating hospital that had previously entered into a participating provider agreement with the health care plan.

**Revised rule compared with proposed rule:** Substantive revisions were made in sections 400.0-400.3, 400.5-400.8 and 400.10.

**Text of revised proposed rule and any required statements and analyses may be obtained from** Emily Donovan, New York State Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 473-4177, email: [Emily.Donovan@dfs.ny.gov](mailto:Emily.Donovan@dfs.ny.gov)

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

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

#### Revised Regulatory Impact Statement

1. Statutory authority: Financial Services Law (“FSL”) sections 202, 301, and 302 and Article 6 and Insurance Law (“IL”) section 301.

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

FSL section 301 authorizes the Superintendent to take such action as the Superintendent deems necessary to protect and educate users of financial products and services.

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

FSL Article 6 establishes an independent dispute resolution (“IDR”) process through which a dispute involving a bill for emergency services or a surprise bill may be resolved. This includes disputes involving hospital bills for emergency services and inpatient services that follow an emergency room visit. FSL Article 6 also sets forth hold harmless requirements and assignment of benefits (“AOB”) rights and obligations for emergency services, including inpatient services that follow an emergency room visit. FSL Article 6 further authorizes the Superintendent to promulgate regulations establishing standards for the IDR process.

2. Legislative objectives: Chapter 60 of the Laws of 2014 added FSL Article 6 to address the issue of consumers receiving unexpected medical bills for emergency services performed by out-of-network physicians and surprise bills from out-of-network physicians, hospitals, and other providers of health care services (collectively, “providers”). Chapters 375 and 377 of the Laws of 2019 amended FSL Article 6 to address hospital bills for out-of-network emergency services and inpatient services following an emergency room visit. Part YY of Chapter 56 of the Laws of 2020 further amended FSL Article 6 to provide new hold harmless requirements and AOB rights and obligations for emergency services, including inpatient services that follow an emergency room visit. Article 6 provides that consumers must be held harmless for out-of-network emergency bills and surprise bills and directs health maintenance organizations and insurers authorized to do business in New York State (collectively, “health care plans”) to work out payment for these bills with providers. Article 6 establishes an IDR process by which a dispute involving a bill for emergency services, including inpatient services following an emergency room visit, or a surprise bill may be resolved.

This rule accords with the legislative objective set forth in FSL Article 6 by implementing the new rights and obligations for disputes involving hospital bills for emergency services and inpatient services that follow an emergency room visit as established by Chapters 375 and 377 and Part YY of Chapter 56; requiring a health care plan to provide an insured with a notice explaining whether the bill is a surprise bill and that if the insured submits an AOB form, then the insured will incur no greater out-of-pocket costs for the services than the insured would have incurred with a participating provider; and requiring non-participating physicians and hospitals that bill for emergency services to provide insureds with a claim form and AOB form.

3. Needs and benefits: The IDR process established by Chapter 60 of the Laws of 2014 and implemented by 23 NYCRR 400 has protected several thousands of consumers from bills for emergency services and surprise bills; however, it did not originally include hospital bills for emergency services and inpatient services that follow an emergency room visit. This rule implements the new rights and obligations for disputes involving hospital bills for emergency services and inpatient services that follow an emergency room visit. The rule sets forth the responsibilities of health care plans, hospitals, and IDR entities (“IDREs”) in relation to the IDR process and details the process to submit disputes involving hospital bills for emergency services and inpatient services that follow an emergency room visit.

Furthermore, while Article 6 and Part 400 have protected many insureds, in certain circumstances, an insured may not be aware that the insured may seek protection from a surprise bill or file a grievance if the insured’s health care plan determines that the bill was not a surprise bill. This rule requires health care plans, upon receipt of a claim for the services of a non-participating physician or non-participating referred provider that could be a surprise bill and that is not submitted with an AOB form, to provide the insured with notice on, or in conjunction with, an explanation of benefits (“EOB”) that explains whether the bill is a surprise bill and that if the insured submits an AOB form, then the insured will incur no greater out-of-pocket costs for the services than the insured would have incurred with a participating provider. The notice also must direct the insured to contact the health care plan or visit the health care plan’s website for additional information regarding surprise bills and to obtain an AOB form. If a health care plan receives an AOB form and determines that the bill is not a surprise bill, then the health care plan must provide a written notice of such determination that includes the procedures for filing a grievance under IL section 4802 or Public Health Law section 4408-a and information on how to file a complaint with the Superintendent.

Finally, this rule requires non-participating physicians and hospitals that bill for emergency services to provide insureds with a claim form and AOB form, which are currently only required to be provided with surprise bills.

4. Costs: Health care plans, physicians, and hospitals may incur minimal additional costs to comply with the rule. Any additional costs to hospitals to submit disputes to IDR are imposed by statute. Hospitals and physicians may incur additional costs to provide claim forms and AOB forms with bills for out-of-network emergency services; however, any additional costs for physicians should be minimal because the current law and existing regulation already require physicians to provide claim forms and AOB forms to insureds who receive surprise bills.

The additional costs for health care plans may include costs to amend notifications sent to insureds when they receive a claim for the services of a non-participating provider that could be a surprise bill or when health care plans receive an AOB form but determine that the bill is not a surprise bill. However, the additional costs should be minimal because the existing regulation already requires health care plans to provide insureds with notice on, or in conjunction with, an EOB advising the insured that the claim could be a surprise bill. The amendment merely expands the notice that must be included on, or in conjunction with, the EOB. Similarly, IL section 4802 and Public Health Law section 4408-a currently require health care plans to provide grievance and grievance appeal determinations to insureds, and the amendment merely clarifies that health care plans should treat as a grievance any determination that a bill is not a surprise bill.

The Department of Financial Services will not incur any costs to implement this rule since the IDREs will conduct the actual review of the disputes.

The rule will not impose compliance costs on any local governments.

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

6. Paperwork: Health care plans, hospitals, and physicians may incur additional paperwork to comply with this rule because they will need to provide insureds with additional notices. This rule identifies the information that must be submitted to the IDRE, including the IDR application, as required pursuant to FSL Article 6, for disputes involving a hospital bill for emergency services or a bill for inpatient services that follow an emergency room visit. Furthermore, health care plans and hospitals that had previously entered into a participating provider agreement and intend to submit a dispute regarding a bill for emergency services or inpatient services following an emergency room visit to IDR must contact the other party and provide their best and final offer along with an explanation of how it was calculated, and also notify the other party at the time of the submission to the Superintendent.

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

8. Alternatives: With respect to the additional notice required to be provided on, or in conjunction with, an EOB upon a health care plan’s receipt of a claim for services that could be a surprise bill and is not submitted with an AOB form, the Department considered requiring the notice to include a description of what constitutes a surprise bill, a description of the IDR process, an AOB form for surprise bills, and the health care plan’s designated electronic and mailing addresses. However, the Department streamlined what was originally proposed and instead will require the notice to explain that if the bill is a surprise bill and the insured submits an AOB form, then the insured will incur no greater out-of-pocket costs for the services than the insured would have incurred with a participating physician or provider. The notice also must direct the insured to contact the health care plan or visit the health care plan’s website for additional information regarding surprise bills and to obtain an AOB form for surprise bills. This is consistent with other provisions of the existing IDR regulation, which impose similar notice requirements upon a health care plan’s receipt of a claim for a surprise bill or other services of a non-participating provider.

The Department also considered requiring an additional notice in adverse determination letters when a health care plan determines that services were not emergency services and denies the claim as not medically necessary. However, in light of the 2019 and 2020 amendments to FSL Article 6 providing that inpatient services following an emergency room visit are eligible for IDR as emergency services, the Department decided that it is no longer necessary to require health care plans to include additional notifications in adverse determinations.

Additionally, the Department considered requiring non-participating physicians and hospitals that bill patients for emergency services to provide consumer disclosure information to patients. However, the Department determined that requiring these non-participating physicians and hospitals to provide patients with claim forms and AOB forms was sufficient.

The Department further considered requiring IDREs, when considering the usual and customary cost of the service in disputes involving non-participating physician services, to consider the usual and customary cost of the service in the zip code where services were rendered, as well as in surrounding, nearby zip codes. However, FSL Article 6 does not require IDREs reviewing disputes involving non-participating physician services to consider the usual and customary cost of the service in surrounding, nearby zip codes. Nevertheless, the existing regulation allows parties to submit any other information they deem relevant, and the Department added a provision to the rule that requires an IDRE to consider any other information submitted by the parties. Therefore, if any of the parties wish for the IDRE to consider this information, then they may submit it for consideration.

9. Federal standards: Public Health Service Act section 2719A (42 U.S.C. section 300gg-19a) requires health care plans to cover emergency services. Federal regulations implementing this law (45 C.F.R. section 147.138(b)) require health care plans to reimburse out-of-network providers of emergency services at the greatest of the following: (1) the amount negotiated with in-network providers for the emergency service, excluding any in-network copayment or coinsurance; (2) the amount for the emergency service calculated using the same method the plan generally uses to determine payments for out-of-network services, excluding any in-network copayment or coinsurance; or (3) the amount that would be paid under Medicare for the emergency service, excluding any in-network copayment or coinsurance. The IDR process for hospital bills established under this rule will allow health care plans and hospitals to dispute amounts above the federal requirement.

10. Compliance schedule: The amendment will take effect 30 days after publication of the Notice of Adoption in the State Register.

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

1. Effect of the rule: This rule affects all health maintenance organizations and insurers authorized to do business in New York State (collectively, "health care plans"). Based upon information that health care plans have provided in their annual statements and filed with the Department of Financial Services ("Department"), they are not "small businesses" as defined in State Administrative Procedure Act ("SAPA") Section 102(8) because they are not independently owned and operated and do not employ 100 or fewer employees.

However, this rule affects physicians and hospitals, some of whom or which may be small businesses under SAPA. The Department does not maintain records of the number of physicians or hospitals licensed in this state that are small businesses.

This rule does not affect local governments.

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

A physician or hospital, who or that is a small business, will be subject to reporting, recordkeeping, or other compliance requirements because the physician or hospital will need to provide a claim form and an assignment of benefits ("AOB") form to a patient when billing for emergency services and inpatient services that follow an emergency room visit.

Furthermore, hospitals participating in independent dispute resolution ("IDR") will be subject to notice requirements when submitting disputes.

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

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. Health care plans, physicians, and hospitals may incur minimal additional costs to comply with the rule. Any additional costs to hospitals to submit disputes to IDR are imposed by statute. Hospitals and physicians may incur additional costs to provide claim forms and AOB forms with bills for out-of-network emergency services; however, any additional costs for physicians should be minimal because the current law and existing regulation already require physicians to provide claim forms and AOB forms to insureds who receive surprise bills.

5. Economic and technological feasibility: This rule does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the rule.

Physicians and hospitals, who or that are small businesses, should not incur any economic or technological impact as a result of the rule.

6. Minimizing adverse impact: There will not be an adverse impact on any local government because the rule does not apply to any local government. This rule should have no adverse impact on hospitals that are small businesses because it only establishes standards for an IDR process for hospital bills for emergency services and inpatient services following an emergency room visit that is already prescribed by statute, and participation in the IDR process is voluntary. This rule should not have an adverse impact on physicians who are small businesses because it only requires non-participating physicians who bill patients for emergency services to send the same disclosures that are already required to be sent for surprise bills.

7. Small business and local government participation: Interested parties, including physicians and hospitals, who or that may be small businesses, were given an opportunity to comment on the proposed rulemaking that was published in the State Register on October 23, 2019.

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

1. Types and estimated numbers of rural areas: Insurers authorized to do business in New York State and health maintenance organizations (collec-

tively, "health care plans"), physicians, and hospitals affected by this amendment operate in every county in this state, including rural areas as defined by State Administrative Procedure Act section 102(10).

2. Reporting, recordkeeping and other compliance requirements; and professional services: Health care plans, hospitals, and physicians, including those in rural areas, may be subject to additional reporting, recordkeeping, or other compliance requirements because they will need to provide insureds with additional notices. This rule identifies the information that must be submitted to the independent dispute resolution ("IDR") entity ("IDRE"), including the IDR application, as required by Financial Services Law Article 6, for disputes involving a hospital bill for emergency services or a bill for inpatient services that follow an emergency room visit. Furthermore, health care plans and hospitals that had previously entered into a participating provider agreement and intend to submit a dispute regarding a bill for emergency services or inpatient services following an emergency room visit to IDR must contact the other party and provide their best and final offer along with an explanation of how it was calculated, and also notify the other party at the time of the submission to the Superintendent of Financial Services ("Superintendent").

Health care plans, physicians, and hospitals, including those in rural areas, should not need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: Health care plans, physicians, and hospitals, including those in rural areas, may incur minimal additional costs to comply with the rule. Any additional costs to hospitals to submit disputes to IDR are imposed by statute. Hospitals and physicians may incur additional costs to provide claim forms and AOB forms with bills for out-of-network emergency services; however, any additional costs for physicians should be minimal because the current law and existing regulation already require physicians to provide claim forms and AOB forms to insureds who receive surprise bills.

The additional costs for health care plans may include costs to amend notifications sent to insureds when they receive a claim for the services of a non-participating physician or a non-participating referred health care provider that could be a surprise bill that is not submitted with an AOB form or when health care plans receive an AOB form but determine that the bill is not a surprise bill. However, the additional costs should be minimal because the existing regulation already requires health care plans to provide insureds with notice on, or in conjunction with, an explanation of benefits ("EOB") to advise the insured that the claim could be a surprise bill. The amendment merely expands the notice that must be included on, or in conjunction with, the EOB. Similarly, Insurance Law section 4802 and Public Health Law section 4408-a currently require health care plans to provide grievance and grievance appeal determinations to insureds, and the amendment merely clarifies that health care plans should be treating a determination that a bill is not a surprise bill as a grievance.

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

5. Rural area participation: The Department held numerous meetings with health care plans and hospital associations, including those located in rural areas, during which they were given an opportunity to comment on the drafting of this rule. Interested parties, including health care plans, hospitals, and physicians located in rural areas, also were given an opportunity to comment on the proposed rulemaking that was published in the State Register on October 23, 2019.

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

The Department of Financial Services ("Department") finds that the revised proposed amendment should have no substantial adverse impact on jobs or employment opportunities in New York because the amendment merely expands the current independent dispute resolution process to include disputes involving hospital bills for emergency services and inpatient services that follow an emergency room visit, and requires health maintenance organizations, insurers authorized to do business in New York State, and physicians to provide certain notices and forms related to surprise bills and bills for emergency services to insureds.

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

The New York State Department of Financial Services (the "Department") received comments from associations that represent insurers and health maintenance organizations ("health care plans") and from organizations that represent plastic surgeons. Some of the comments supported the proposed regulation, while others requested changes or expressed concern that the proposed regulation's requirements would be unreasonably burdensome and not beneficial to consumers.

Comment: The proposed regulation requires health care plans, upon receipt of a claim for the services of a non-participating physician or non-participating referred health care provider that could be a surprise bill that is not submitted with an assignment of benefits form, to provide insureds,

on or in conjunction with an explanation of benefits (“EOB”), with the following additional notifications, which are currently required to be posted to the health care plan’s website: (1) a description of what constitutes a surprise bill; (2) a description of the independent dispute resolution (“IDR”) process; (3) an assignment of benefits (“AOB”) form for surprise bills; (4) the health care plan’s designated electronic and mailing addresses where the AOB can be submitted; and (5) information on how an insured or provider may submit a dispute to an IDR entity. Two commenters expressed concern that there is limited space on an EOB and that adding the additional notifications to the EOB would add complexity to the document, confuse insureds, and provide no additional benefit to consumers. One commenter expressed concern that including web disclosures in EOBs will make the communications unwieldy and will be extremely difficult to implement from an operational perspective, particularly attaching an AOB form to these automated communications. The commenter suggested that web disclosures instead should include a reference to, and a link for, a blank AOB form and additional information.

Response: Health care plans already must post to their websites an AOB form for surprise bills, along with a description of what constitutes a surprise bill, a description of the IDR process, the health care plan’s designated electronic and mailing addresses where the AOB can be submitted, and information on how an insured or provider may submit a dispute to an IDR entity. While the law and existing regulation have protected many insureds, in certain circumstances, insureds still may not be aware that they may seek protection from a surprise bill. The intent of the proposed regulation is to make consumers aware that a bill could be a surprise bill and to provide them with information about what to do when they receive one. The Department believes that requiring additional notifications to be provided on or in conjunction with an EOB will inform more consumers that they can seek protection from surprise bills.

However, to address the concerns raised in the comments, the Department amended the regulation to streamline what the Department originally proposed. Instead of requiring the notice to provide a description of what constitutes a surprise bill, a description of the IDR process, an AOB form for surprise bills, and the health care plan’s designated electronic and mailing addresses where the AOB form can be submitted, the regulation will require the notice to explain that if the bill is a surprise bill and the insured submits an AOB form, then the insured will incur no greater out-of-pocket costs for the services than the insured would have incurred with a participating physician or health care provider. The notice also must direct the insured to contact the health care plan or visit the health care plan’s website for additional information regarding surprise bills and to obtain an AOB form for surprise bills. This is consistent with other provisions of the existing IDR regulation, which impose similar notice requirements upon a health care plan’s receipt of a claim for a surprise bill or other services of a non-participating health care provider.

Comment: The proposed regulation requires that if a health care plan determines that the services of a non-participating physician or a non-participating referred health care provider at a participating hospital are not emergency services and makes an adverse determination pursuant to Insurance Law or Public Health Law Article 49, then the health care plan must include additional notifications in the initial and final adverse determinations informing the insured that a bill for the services may be a surprise bill and could be eligible for IDR. One commenter expressed concern that including the surprise bill notifications in adverse determination letters would be misleading to members since the surprise bill process would not apply to these cases. The commenter stated that a claim for emergency services is submitted with a “place of service” code, indicating that services were provided in the emergency room, or a revenue code, indicating that emergency services were provided. The commenter argued that regardless of whether a health care plan denies the claim as not medically necessary, a claim for emergency services submitted with the applicable “place of service” or revenue code is still a claim for emergency services and cannot be a surprise bill because Financial Services Law § 603(h) explicitly provides that a surprise bill is a bill for health care services “other than emergency services.”

Response: Financial Services Law § 603(b) provides that “emergency services” include all services provided by the physician until the patient is stabilized, regardless whether the services are provided in the emergency room. If the services provided meet the definition of “emergency services,” then they should be considered emergency services regardless of the “place of service” or revenue code used. The commenter is correct that Financial Services Law § 603(h) explicitly provides that a surprise bill is a bill for health care services “other than emergency services.” However, if the health care plan determines that the services were not emergency services, then they could be “other than emergency services” and therefore a surprise bill. It also is important to note that if emergency services are determined not to be medically necessary, then a different process for disputing the determination would apply. Instead of the IDR process, which is used to determine a reasonable payment amount for a bill for

emergency services or a surprise bill, when emergency services are determined not to be medically necessary, the external appeal process would apply. The consumer would have the right to an external appeal of the determination that the services were not medically necessary.

Regardless, it is the Department’s position that in light of changes made by Chapters 375 and 377 of the Laws of 2019 and Part YY of Chapter 56 of the Laws of 2020, which expanded the IDR process to include hospital bills for emergency services and inpatient services that follow an emergency room visit, it is no longer necessary to require health care plans to include additional notifications in the initial and final adverse determinations informing the insured that services determined not to be emergency services could be eligible for IDR as a surprise bill. Therefore, the Department removed this requirement from the proposed regulation.

Comment: One commenter expressed concern that including the surprise bill disclosures in adverse determination letters will make the communications unwieldy, lengthy, and extremely difficult to implement from an operational perspective, particularly with respect to attaching an AOB form to these automated communications; will require rewriting of final adverse determination (“FAD”) notices; and will complicate health care plans’ grievance and appeals notifications and processes. The commenter suggested an alternative approach wherein the notices refer the insured to the plan’s webpage that includes all the surprise bill and IDR information.

Response: Under the new laws referenced above, inpatient services following an emergency room visit are now eligible for IDR as emergency services, and it is no longer necessary to require health care plans to include additional notifications in the initial and final adverse determinations informing the insured that services determined not to be emergency services could be eligible for IDR as a surprise bill. Therefore, the Department removed this requirement from the proposed regulation.

Comment: The proposed regulation requires that if a health care plan receives an AOB form for a surprise bill and determines that a bill for the services is not a surprise bill, then the health care plan must provide written notice of such determination, including the procedures for filing a grievance. If a health care plan makes a determination on a grievance disputing that a bill is a surprise bill, then the health care plan must provide written notice of such determination, including the procedures for filing an appeal. One commenter expressed concern about further complicating the process regarding health care plans’ grievance and appeals notifications and processes.

Response: The Department wants to ensure that insureds are aware of their rights regarding surprise bills and are informed about how to dispute them. Benefit determinations made by health care plans, including determinations that a bill is not a surprise bill, are subject to the grievance procedure requirements in the Insurance Law and Public Health Law, and insureds should be informed of their rights to file grievances and appeals of such determinations. Additionally, health care plans also should be aware that federal rules regarding claim determinations also apply to a determination that a bill is not a surprise bill and thus not eligible for payment. See 29 C.F.R. § 2560.503-1 and 45 C.F.R. § 147.136.

The proposed regulation merely clarifies how health care plans should have been treating a determination that a bill is not a surprise bill. However, the Department amended the regulation to streamline the provision regarding a health care plan’s determination of a grievance disputing that a bill is a surprise bill to simply state that the health care plan shall comply with the Insurance Law § 4802 or Public Health Law § 4408-a grievance requirements.

Comment: One commenter expressed concern about how health care plans can determine whether inpatient services are due to an emergency room admission given that claims often come in at different times. The commenter requested clarification of how health plans should manage this practical challenge.

Response: The Insurance Law and regulations promulgated thereunder have mandated coverage for emergency services and inpatient hospital services for quite some time and the proposed regulation does not change these requirements. In addition, certain requirements, such as pre-authorization, may not be imposed on emergency services, but may be imposed on inpatient admissions that do not result from an emergency admission. Health care plans currently make determinations as to whether inpatient services are due to an emergency admission and they already should have mechanisms in place to identify whether inpatient services are due to an emergency admission. Therefore, the Department did not make any changes in response to this comment.

## Long Island Power Authority

### PROPOSED RULE MAKING HEARING(S) SCHEDULED

#### To Increase Participation in the NYSERDA GJGNY On-Bill Loan Installment Program

I.D. No. LPA-14-21-00010-P

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

**Proposed Action:** The Long Island Power Authority (LIPA) proposes to modify the tariff effective July 1, 2021 to increase the cap on LIPA customer participation in the NYSERDA Green Jobs Green New York (GJGNY) On-Bill Loan Installment program.

**Statutory authority:** Public Authorities Law, section 1020-f(u) and (z)

**Subject:** To increase participation in the NYSERDA GJGNY On-Bill Loan Installment program.

**Purpose:** To provide low-cost on-bill financing for customers investing in energy efficiency, DERs, and beneficial electrification.

**Public hearing(s) will be held at:** 10:00 a.m., June 7, 2021 at Virtual (link will be on LIPA website); 2:00 p.m., June 7, 2021 at Virtual (link will be on LIPA website).

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

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

**Substance of proposed rule:** The Long Island Power Authority ("LIPA") proposes to modify the Tariff for Electric Service, effective July 1, 2021, to increase the cap on customer participation in the NYSERDA-administered Green Jobs Green New York on-bill loan installment program. LIPA currently has over 4,900 customers enrolled in the program, and therefore has almost reached its current participation cap of 5,600. The proposal would increase the maximum number of participants to 10,000 and provide LIPA the discretion to implement further increases if needed, in order to give more customers access to low-cost financing of energy efficiency, beneficial electrification, and distributed energy resources.

**Text of proposed rule and any required statements and analyses may be obtained from:** Elisa Rodriguez, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9861, email: [tariffchanges@lipower.org](mailto:tariffchanges@lipower.org)

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

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

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

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

## Office for People with Developmental Disabilities

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

#### Medical Consents

I.D. No. PDD-14-21-00005-EP

Filing No. 277

Filing Date: 2021-03-22

Effective Date: 2021-03-22

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

**Proposed Action:** Amendment of section 633.11 of Title 14 NYCRR.

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

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

**Specific reasons underlying the finding of necessity:** The COVID-19 pandemic has impacted the population with developmental disabilities among the hardest, with higher than average rates of infection in congregate residential facilities, significant medical impacts due to preexisting comorbidities, and increased rates of death. The COVID-19 vaccine has been prioritized for Phase 1a of distribution to this population, yet some of the most vulnerable individuals served by OPWDD will have increased wait times due what can be a very lengthy review process by the Surrogate Decision Making Committee; a process generally reserved for issues of more complex medical treatment.

This emergency adoption of amendments provides additional means for obtaining consent for medical treatment to address the immediate need and high volume of reviews needed for Willowbrook class members and for individuals who lack capacity to consent on their own behalf and also lack the support of involved family to help make the decision to receive a potentially lifesaving vaccine. This regulation must be issued by emergency regulation to assure consent for, and timely immunization of, this cohort of individuals with developmental disabilities. Emergency adoption is necessary to protect the immediate health, safety, and welfare of individuals with developmental disabilities who live in congregate settings and are awaiting a lifesaving vaccine.

**Subject:** Medical Consents.

**Purpose:** To assist providers in administering the COVID-19 vaccine.

**Text of emergency/proposed rule:** • Existing subparagraph 633.11(a)(1)(iii)(a)(7) is amended and added to read as follows:

(iii) Informed consent may be obtained for those persons who are residents of a facility operated or certified by OPWDD as follows:

(a) If a person is less than 18 years of age, consent shall be obtained from one of the surrogates listed, in the order stated:

- (1) a guardian lawfully empowered to give such consent;
- (2) an actively involved (see section 633.99 of this Part)

spouse;

- (3) a parent;

this Part);

- (4) an actively involved adult sibling (see section 633.99 of

633.99 of this Part);

- (5) an actively involved adult family member (see section

633.99 of this Part);

- (6) a local commissioner of social services with custody over

the person pursuant to the Social Services Law or Family Court Act (if applicable); [or]

(7) the Informed Consent Committee (see section 633.16 of this Part), convened by an individual's residential provider, for the limited purpose of providing consent for a COVID-19 vaccine; or

(8) a surrogate decisionmaking committee (SDMC) (see section 633.99 of this Part) or a court of competent jurisdiction.

• Existing subparagraph 633.11(a)(1)(iii)(b)(7) is amended and added to read as follows:

(b) If a person is 18 years of age or older, but lacks capacity to understand appropriate disclosures regarding proposed professional medical treatment or a determination of insufficient capacity has been made pursuant to clause (g) of this subparagraph, informed consent to such

proposed professional medical treatment shall be obtained from one of the surrogates listed, in the order stated:

(1) a guardian lawfully empowered to give such consent or the person's duly appointed health care agent or alternative agent (see section 633.20 of this part and Article 29-C of the Public Health Law);

(2) an actively involved spouse;

(3) an actively involved parent;

(4) an actively involved adult child;

(5) an actively involved adult sibling;

(6) an actively involved adult family member;

(7) the Consumer Advisory Board (see section 633.99 of this part) for the Willowbrook Class [only for class members it fully represents];[or]

(8) *the Informed Consent Committee (see section 633.16 of this Part), convened by an individual's residential provider, for the limited purpose of providing consent for a COVID-19 vaccine; or*

(9) a surrogate decision making committee (SDMC) or a court of competent jurisdiction.

**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 May 20, 2021.

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

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

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

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

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

#### **Regulatory Impact Statement**

1. Statutory authority:

a. The Office for People With Developmental Disabilities (OPWDD) has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law (MHL) Section 13.07.

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

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

2. Legislative objectives: The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00. The regulations amend Title 14 New York Codes Rules and Regulations (NYCRR) Part 633.11 in order provide an additional method for obtaining consent for medical treatment, specifically the COVID-19 vaccine, for individuals who lack capacity to consent on their own behalf and lack the support of a guardian or involved family. The amendment expands access to the Consumer Advisory Board for Willowbrook class members and broadens the jurisdiction of a surrogate decision-making panel which already exists in law and in operation, providing efficient access to consent review to this population statewide. These changes are necessary to ensure equal access to a potentially lifesaving vaccine, for individuals who lack capacity to consent on their own behalf, during a global pandemic.

3. Needs and benefits: The proposed regulation amends Title 14 NYCRR Part 633.11 to set forth additional means for obtaining consent for the administration of the COVID-19 vaccination for individuals with developmental disabilities who lack capacity to consent on their own behalf and who lack the support of a family member to assist. These changes are necessary to ensure equal access to a potentially lifesaving vaccine, for individuals who lack capacity to consent on their own behalf, during a global pandemic. The Surrogate Decision Making Committee, generally reserved for much more significant medical decisions, does not have the resource capacity for the volume of reviews that would be needed to ensure access to COVID vaccines for the OPWDD population.

4. Costs:

a. Costs to the agency and to the State and its local governments: No additional costs to OPWDD. Informed consent committees already exist as required by OPWDD regulations. Additional costs to the NYS Justice

Center will be avoided by promulgation of this emergency regulation, by reducing what would otherwise become a sudden onset and high volume of consent reviews requiring review by the Surrogate Decision Making Committee.

b. Costs to private regulated parties: No additional costs to regulated providers. Informed consent committees are already required to be empaneled by these same providers within pre-existing OPWDD regulations and these providers already have access to the necessary documents and records.

5. Local government mandates: No service, duty or responsibility are imposed on local governments as a result of this rule.

6. Paperwork: OPWDD residential providers are already required to be able to empanel Informed Consent Committees for purposes of providing consent on behalf of individuals in other circumstances. The majority of the paperwork involved is already in the possession of the residential providers, and accessible to the Consumer Advisory Board, which will enable a much more streamlined process than relying on the Surrogate Decision Making Committee.

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

8. Alternatives: The alternative to increasing consent-giving capacity of the Informed Consent Committees is to rely exclusively on the Surrogate Decision Making Committee and/or bringing applications for review to a Court of competent jurisdiction, which is a very time consuming and costly proposition. These regulations are necessary to ensure equity of the COVID-19 vaccines for public health, public welfare, and public safety.

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

10. Compliance schedule: OPWDD plans to adopt the regulations as an Emergency Adoption. The effective date for enforcement of the regulation will be upon filing. The proposed regulations were discussed with and reviewed by representatives of providers, the NYS Justice Center, on behalf of the Surrogate Decision Making Committee, Mental Hygiene Legal Services and the Willowbrook Consumer Advisory Board in advance of this proposal. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date(s).

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis for small businesses and local governments is not being submitted because these amendments will not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses. There are no professional services, capital, or other compliance costs imposed on small businesses as a result of these amendments.

The emergency/proposed regulations amend Title 14 NYCRR Subpart 633.11 to allow an additional means of obtaining consent for individuals to receive the COVID-19 vaccine, in situations where there is no other person to make that election for them, such as lack of a guardian or incapacity. The amendments will not result in costs or new compliance requirements for regulated parties and consequently, the amendments will not have any adverse effects on providers of small business and local governments.

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

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

The proposed regulation amends Title 14 NYCRR Part 633.11 in order to provide an additional way to obtain consent for medical treatment, specifically the COVID-19 vaccine. The regulation will not result in an adverse impact on rural communities because the regulation applies to all providers of these services. The proposed regulation will not result in costs for regulated parties. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

#### **Job Impact Statement**

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

The proposed regulation amends Title 14 NYCRR Part 633.11 in order to provide for additional means of consent to medical treatment in response to the Public Health Emergency. The regulation expands the jurisdiction of a surrogate decision-making panel, which already exists in regulation and in operation, in order to obtain consent for the COVID-19 vaccine. The regulation will not have a substantial impact on jobs or employment opportunities in New York State.

## Public Service Commission

### NOTICE OF ADOPTION

#### Public Policy Transmission Planning Requirements

**I.D. No.** PSC-47-18-00008-A

**Filing Date:** 2021-03-19

**Effective Date:** 2021-03-19

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

**Action taken:** On 3/18/21, the PSC adopted an order deciding that a Public Policy Requirement should not be referred to the New York Independent System Operator, Inc. (NYISO) with regard to the 2018 Public Policy Transmission Planning Process.

**Statutory authority:** Public Service Law, sections 4(1), 5(1)(b), (2), 65(1), 66(1), (2) and (5)

**Subject:** Public Policy Transmission Planning Requirements.

**Purpose:** To not refer a Public Policy Requirement to NYISO.

**Text or summary was published** in the November 21, 2018 issue of the Register, I.D. No. PSC-47-18-00008-P.

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

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

#### Assessment of Public Comment

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

(18-E-0623SA1)

### NOTICE OF ADOPTION

#### Electric Metering Equipment

**I.D. No.** PSC-25-20-00009-A

**Filing Date:** 2021-03-22

**Effective Date:** 2021-03-22

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

**Action taken:** On 3/18/21, the PSC adopted an order approving Aclara Technologies, LLC's (Aclara) petition to use the Aclara kV2c Gen 5 Commercial Meter with Itron NIC 511 Prion 2 Network Interface Card for commercial electric metering applications in New York State.

**Statutory authority:** Public Service Law, section 67(1)

**Subject:** Electric metering equipment.

**Purpose:** To approve Aclara's petition to use electric metering equipment in New York State.

**Text or summary was published** in the June 24, 2020 issue of the Register, I.D. No. PSC-25-20-00009-P.

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

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

#### Assessment of Public Comment

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

(20-E-0239SA1)

### NOTICE OF ADOPTION

#### Submetering of Electricity

**I.D. No.** PSC-25-20-00012-A

**Filing Date:** 2021-03-22

**Effective Date:** 2021-03-22

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

**Action taken:** On 3/18/21, the PSC adopted an order approving Liberty For All LLC's (Liberty For All) petition to submeter electricity at 975 Liberty Avenue, Brooklyn, New York.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 63, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Submetering of electricity.

**Purpose:** To approve Liberty For All's petition to submeter electricity.

**Text or summary was published** in the June 24, 2020 issue of the Register, I.D. No. PSC-25-20-00012-P.

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

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

#### Assessment of Public Comment

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

(19-E-0595SA1)

### NOTICE OF ADOPTION

#### Waiver of Submetering Requirements in 16 NYCRR Part 96

**I.D. No.** PSC-29-20-00011-A

**Filing Date:** 2021-03-22

**Effective Date:** 2021-03-22

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

**Action taken:** On 3/18/21, the PSC adopted an order approving Opportunities for Broome, Inc.'s (Broome) petition for a waiver of the individual metering requirements found in 16 NYCRR Part 96 for four facilities located in Binghamton, New York.

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

**Subject:** Waiver of submetering requirements in 16 NYCRR Part 96.

**Purpose:** To approve Broome's petition for a waiver of the individual metering requirements found in 16 NYCRR Part 96.

**Text or summary was published** in the July 22, 2020 issue of the Register, I.D. No. PSC-29-20-00011-P.

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

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

#### Assessment of Public Comment

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

(20-E-0208SA1)

### NOTICE OF ADOPTION

#### Submetering of Electricity and Waiver Request

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

**Filing Date:** 2021-03-22

**Effective Date:** 2021-03-22

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

**Action taken:** On 3/18/21, the PSC adopted an order approving Woodlawn Senior Living LLC's (Woodlawn) notice of intent to submeter electricity at 69 East 233rd Street, Bronx, New York and waiver request of the energy audit requirements in 16 NYCRR section 96.5(k)(3).

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

**Subject:** Submetering of electricity and waiver request.

**Purpose:** To approve Woodlawn's notice of intent to submeter electricity and waiver request of 16 NYCRR section 6.5(k)(3).

**Text or summary was published** in the August 5, 2020 issue of the Register, I.D. No. PSC-31-20-00010-P.

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

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

#### Assessment of Public Comment

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

(20-E-0049SA1)

### NOTICE OF ADOPTION

#### Submetering of Electricity

**I.D. No.** PSC-46-20-00004-A

**Filing Date:** 2021-03-22

**Effective Date:** 2021-03-22

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

**Action taken:** On 3/18/21, the PSC adopted an order approving 136 Broadway, LP's (136 Broadway) notice of intent to submeter electricity at 132-136 Broadway, Schenectady, New York.

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

**Subject:** Submetering of electricity.

**Purpose:** To approve 136 Broadway's notice of intent to submeter electricity.

**Text or summary was published** in the November 18, 2020 issue of the Register, I.D. No. PSC-46-20-00004-P.

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

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

#### Assessment of Public Comment

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

(20-E-0393SA1)

### NOTICE OF ADOPTION

#### Modifications to the SIR

**I.D. No.** PSC-46-20-00006-A

**Filing Date:** 2021-03-18

**Effective Date:** 2021-03-18

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

**Action taken:** On 3/18/21, the PSC adopted an order directing interim modifications to the cost-sharing mechanism contained in the New York State Standardized Interconnection Requirements (SIR).

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

**Subject:** Modifications to the SIR.

**Purpose:** To direct interim modifications to the cost-sharing mechanism contained in the NYS SIR.

**Substance of final rule:** The Commission, on March 18, 2021, adopted an order directing Central Hudson Gas & Electric Corporation (Central Hudson); Consolidated Edison Company of New York, Inc. (Con Edison); New York State Electric and Gas Corporation (NYSEG); Niagara Mohawk Power Corporation d/b/a National Grid (National Grid); Orange and Rockland Utilities, Inc. (O&R); and Rochester Gas & Electric Corporation (RG&E) to implement interim modifications to the cost-sharing mechanism contained in the New York State Standardized Interconnection Requirements for New Distributed Generators and Energy Storage Systems 5 MW or Less Connected in Parallel with Utility Distribution Systems (SIR). The SIR are suspended for the applications that are subject to this interim mechanism, pending a Commission decision on the Cost-Share 2.0 Proposal. Central Hudson, Con Edison, NYSEG, National Grid, O&R, and RG&E are directed to file any necessary tariff amendments to suspend applications that are subject to the interim mechanism and to update the SIR addenda as contained in Attachment A, Appendix E of the order. These tariff amendments shall be filed on five days' notice and shall be filed within fifteen days of the issuance of the order. The tariffs shall go into effect on a temporary basis until made permanent by the Commission, subject to the terms and conditions set forth in the order.

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

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

#### Assessment of Public Comment

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

(20-E-0543SA1)

### NOTICE OF ADOPTION

#### Public Policy Transmission Planning Requirements

**I.D. No.** PSC-46-20-00009-A

**Filing Date:** 2021-03-19

**Effective Date:** 2021-03-19

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

**Action taken:** On 3/18/21, the PSC adopted an order identifying a Public Policy Requirement for referral to the New York Independent System Operator, Inc. (NYISO) with regard to the 2020 Public Policy Transmission Planning Process.

**Statutory authority:** Public Service Law, sections 4(1), 5(1)(b), (2), 65(1), 66(1), (2), (5) and 66-p

**Subject:** Public Policy Transmission Planning Requirements.

**Purpose:** To identify a Public Policy Requirement for referral to the NYISO.

**Text or summary was published** in the November 18, 2020 issue of the Register, I.D. No. PSC-46-20-00009-P.

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

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

#### Assessment of Public Comment

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

(20-E-0497SA1)

### NOTICE OF ADOPTION

#### Tariff Amendments

**I.D. No.** PSC-48-20-00008-A

**Filing Date:** 2021-03-22

**Effective Date:** 2021-03-22

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

**Action taken:** On 3/18/21, the PSC adopted an order approving, in part, modifying, in part, and rejecting, in part, Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 10 — Electricity, effective May 1, 2021.

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

**Subject:** Tariff amendments.

**Purpose:** To approve, modify and reject in part, Con Edison's tariff amendments related to its Commercial Demand Response Programs.

**Text or summary was published** in the December 2, 2020 issue of the Register, I.D. No. PSC-48-20-00008-P.

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

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

**Assessment of Public Comment**

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

(20-E-0547SA1)

## NOTICE OF ADOPTION

### Tariff Amendments

**I.D. No.** PSC-49-20-00008-A

**Filing Date:** 2021-03-19

**Effective Date:** 2021-03-19

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

**Action taken:** On 3/18/21, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 9 — Gas, General Information Section III (H), to become effective on April 1, 2021.

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

**Subject:** Tariff amendments.

**Purpose:** To approve Con Edison's tariff amendments.

**Text or summary was published** in the December 9, 2020 issue of the Register, I.D. No. PSC-49-20-00008-P.

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

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

**Assessment of Public Comment**

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

(20-G-0552SA1)

## NOTICE OF ADOPTION

### Lease and Transfer of Property

**I.D. No.** PSC-51-20-00011-A

**Filing Date:** 2021-03-19

**Effective Date:** 2021-03-19

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

**Action taken:** On 3/18/21, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) and New York Transco LLC's (NY Transco) petition for National Grid to lease and transfer property to NY Transco.

**Statutory authority:** Public Service Law, sections 5, 65, 66 and 70

**Subject:** Lease and transfer of property.

**Purpose:** To approve National Grid and NY Transco's petition for National Grid to lease and transfer property to NY Transco.

**Text or summary was published** in the December 23, 2020 issue of the Register, I.D. No. PSC-51-20-00011-P.

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

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

**Assessment of Public Comment**

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

(20-E-0596SA1)

## NOTICE OF ADOPTION

### Petition for Clarification

**I.D. No.** PSC-52-20-00005-A

**Filing Date:** 2021-03-19

**Effective Date:** 2021-03-19

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

**Action taken:** On 3/18/21, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition for clarification of Green Button Connect (GBC) implementation within the Advanced Metering Infrastructure (AMI) Order.

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

**Subject:** Petition for clarification.

**Purpose:** To approve National Grid's petition for clarification of GBC implementation within the AMI Order.

**Substance of final rule:** The Commission, on March 18, 2021, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition for clarification of Green Button Connect (GBC) implementation within the November 20, 2020 Order Authorizing Implementation of Advanced Metering Infrastructure with Modifications (AMI Order). National Grid shall continue to implement GBC by March 31, 2021, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(17-E-0238SA11)

## NOTICE OF ADOPTION

### Petition for Clarification

**I.D. No.** PSC-52-20-00007-A

**Filing Date:** 2021-03-18

**Effective Date:** 2021-03-18

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

**Action taken:** On 3/18/21, the PSC adopted an order approving the Joint Utilities' (JU) petition for clarification of the Term- and Auto- DLM Order and directed the JU's to compute Adjusted Performance Factors and file an updated Implementation plan.

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

**Subject:** Petition for clarification.

**Purpose:** To approve JU's petition for clarification and direct them to file an updated Implementation plan.

**Substance of final rule:** The Commission, on March 18, 2021, adopted an order approving Central Hudson Gas and Electric Corporation; Consolidated Edison Company of New York, Inc.; New York State Electric and Gas Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; and Rochester Gas & Electric Corporation's (Joint Utilities) petition for clarification of the Order

Establishing Term-Dynamic Load Management and Auto-Dynamic Load Management Program Procurements and Associated Cost Recovery, issued on September 17, 2020. The Joint Utilities shall compute Adjusted Performance Factors and are directed to file an updated implementation plan, by April 1, 2021, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(18-E-0130SA9)

## NOTICE OF ADOPTION

### Tariff Amendments

**I.D. No.** PSC-52-20-00010-A

**Filing Date:** 2021-03-19

**Effective Date:** 2021-03-19

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

**Action taken:** On 3/18/21, the PSC adopted an order approving New York State Electric & Gas Corporation's (NYSEG) tariff amendments to P.S.C. No. 88—Gas, to become effective on April 1, 2021.

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

**Subject:** Tariff amendments.

**Purpose:** To approve NYSEG's tariff amendments.

**Substance of final rule:** The Commission, on March 18, 2021, adopted an order approving New York State Electric & Gas Corporation's (NYSEG) tariff amendments to P.S.C. No. 88 – Gas, to remove language that specifies the geographical areas of direct customers and daily metered firm transportation customers served by Energy Service Companies (ESCOs) for which a capacity surcharge will be assessed; and, instead references NYSEG's Gas Transportation Operating Procedures (GTOP) Manual, to become effective on April 1, 2021, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(20-G-0593SA1)

## NOTICE OF ADOPTION

### Petition to Replace Existing Wireless Equipment

**I.D. No.** PSC-52-20-00012-A

**Filing Date:** 2021-03-19

**Effective Date:** 2021-03-19

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

**Action taken:** On 3/18/21, the PSC adopted an order approving Consolidated Edison Company of New York, Inc. (Con Edison) and New Cingular Wireless PCS, LLC's (Cingular) petition to replace existing wireless equipment at Tower K-236 in the Town of Putnam Valley.

**Statutory authority:** Public Service Law, section 70

**Subject:** Petition to replace existing wireless equipment.

**Purpose:** To approve Con Edison and Cingular's petition to replace existing wireless equipment.

**Substance of final rule:** The Commission, on March 18, 2021, adopted an

order approving Consolidated Edison Company of New York, Inc. (Con Edison) and New Cingular Wireless PCS, LLC's (Cingular) petition to replace existing wireless equipment at Tower K-236, located at 19 Secor Road, in the Town of Putnam Valley. Con Edison and Cingular shall report any proposed changes to the approved construction plans to Department of Public Service Staff (Staff) for review. Staff shall refer changes that do not cause substantial change in environmental impacts or are not related to contested issues to the Chief of the Environmental Certification and Compliance Section of the Office of Electric, Gas and Water for approval, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(20-M-0583SA1)

## NOTICE OF ADOPTION

### Petition to Replace Existing Wireless Equipment

**I.D. No.** PSC-52-20-00014-A

**Filing Date:** 2021-03-19

**Effective Date:** 2021-03-19

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

**Action taken:** On 3/18/21, the PSC adopted an order approving Consolidated Edison Company of New York, Inc. (Con Edison) and New Cingular Wireless PCS, LLC's (Cingular) petition to replace existing wireless equipment at Tower K-226 in the Town of Putnam Valley.

**Statutory authority:** Public Service Law, section 70

**Subject:** Petition to replace existing wireless equipment.

**Purpose:** To approve Con Edison and Cingular's petition to replace existing wireless equipment.

**Substance of final rule:** The Commission, on March 18, 2021, adopted an order approving Consolidated Edison Company of New York, Inc. (Con Edison) and New Cingular Wireless PCS, LLC's (Cingular) petition to replace existing wireless equipment at Tower K-226, located at Indian Hill Road, in the Town of Putnam Valley. Con Edison and Cingular shall report any proposed changes to the approved construction plans to Department of Public Service Staff (Staff) for review. Staff shall refer changes that do not cause substantial change in environmental impacts or are not related to contested issues to the Chief of the Environmental Certification and Compliance Section of the Office of Electric, Gas and Water for approval, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(20-M-0604SA1)

## NOTICE OF ADOPTION

### Petition to Replace Existing Wireless Equipment

**I.D. No.** PSC-52-20-00015-A

**Filing Date:** 2021-03-19

**Effective Date:** 2021-03-19

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

**Action taken:** On 3/18/21, the PSC adopted an order approving Consolidated Edison Company of New York, Inc. (Con Edison) and New Cingular

Wireless PCS, LLC's (Cingular) petition to replace existing wireless equipment at Tower K-250 in the Town of Carmel.

**Statutory authority:** Public Service Law, section 70

**Subject:** Petition to replace existing wireless equipment.

**Purpose:** To approve Con Edison and Cingular's petition to replace existing wireless equipment.

**Substance of final rule:** The Commission, on March 18, 2021, adopted an order approving Consolidated Edison Company of New York, Inc. (Con Edison) and New Cingular Wireless PCS, LLC's (Cingular) petition to replace existing wireless equipment at Tower K-250, located at Hillside View Road, in the Town of Carmel. Con Edison and Cingular shall report any proposed changes to the approved construction plans to Department of Public Service Staff (Staff) for review. Staff shall refer changes that do not cause substantial change in environmental impacts or are not related to contested issues to the Chief of the Environmental Certification and Compliance Section of the Office of Electric, Gas and Water for approval, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (20-M-0605SA1)

## NOTICE OF ADOPTION

### Motion for Waiver

**I.D. No.** PSC-52-20-00016-A

**Filing Date:** 2021-03-22

**Effective Date:** 2021-03-22

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

**Action taken:** On 3/18/21, the PSC adopted an order approving Sunrise Wind, LLC's (Sunrise) motion for waiver of 16 NYCRR sections 86.3(a)(1), 86.3(a)(2) and 86.3(b)(2), regulations governing the specifications of certain maps and photographs for application certificates.

**Statutory authority:** Public Service Law, sections 4 and 122

**Subject:** Motion for waiver.

**Purpose:** To approve Sunrise's motion for waiver of 16 NYCRR sections 86.3(a)(1), 86.3(a)(2) and 86.3(b)(2).

**Text or summary was published in** the December 30, 2020 issue of the Register, I.D. No. PSC-52-20-00016-P.

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

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

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (20-T-0617SA1)

## NOTICE OF ADOPTION

### Tariff Amendments

**I.D. No.** PSC-01-21-00008-A

**Filing Date:** 2021-03-19

**Effective Date:** 2021-03-19

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

**Action taken:** On 3/18/21, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) electric tariff amendments to P.S.C. Nos. 214 and 220, to establish Rate Year (RY) 4 Delivery Rates, to become effective on April 1, 2021.

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

**Subject:** Tariff amendments.

**Purpose:** To approve National Grid's tariff amendments to establish RY4 Delivery Rates.

**Text or summary was published in** the January 6, 2021 issue of the Register, I.D. No. PSC-01-21-00008-P.

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

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

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (17-E-0238SA12)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### More Specific Requirements for Operator Qualification to Work on Pipelines Allows Applications for "Special Permits"

**I.D. No.** PSC-14-21-00003-P

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

**Proposed Action:** Amendment of Part 255 of Title 16 NYCRR.

**Statutory authority:** Public Service Law, sections 4, 5, 65 and 66

**Subject:** More specific requirements for Operator Qualification to work on pipelines allows applications for "special permits."

**Purpose:** To make the provision of natural gas service safer in New York State with better qualified pipeline workers.

**Substance of proposed rule (Full text is posted at the following State website:** <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=19-g-0736&CaseSearch=Search>): The Public Service Commission is considering revisions to certain sections of 16 NYCRR Part 255 that will (1) change an existing procedure whereby a regulated operator may seek a "waiver" of a regulation to a request for a "special permit."

Currently, pipeline operators are required to comply with the regulations as stated or ask for a "waiver" of the requirement. The term "waiver," however, inaccurately describes what occurs when a company is complying with the regulations but believes it can do so in a different manner than that specifically stated in the regulations. A "special permit," whether granted temporarily or permanently, is a more accurate description of what is being granted. Any alternative approach to a regulation as written must still "meet or exceed" the existing regulation. The proposed also changes (2) add a definition for "span of control," which describes pipeline operators' ratio of fully operator qualified supervisors to non-qualified workers who are completing pipeline work. A proposal (3) to change the definition of "covered task," is included as well. All pipeline workers must be operator qualified to complete covered tasks. However, the term "covered task" now only applies to repairs made on a pipeline. The term would be amended so it also applies to pipeline construction, not only repair, work, meaning that workers would also have to be operator qualified to perform construction on pipelines, which the rules do not now specify. Finally (4) operator qualification programs would have to be revised to make clear that to be "operator qualified" workers must have been evaluated for their "knowledge, skills, and abilities" (KSA's) to complete each covered task.

Pipeline operators may define "covered tasks" and the training necessary to become operator qualified must use the individual operator's system for which the worker is being qualified. Further, although written tests are not required to test workers' repair or construction knowledge, when written tests are used, they must be offered in a secure setting that precludes opportunities to cheat. A passing grade on a written test will have to include some basic requirements; for instance, a worker cannot be deemed to have passed a written exam if the worker incorrectly answered any question about how to respond to a "abnormal operating condition" (AOC), which is a pipeline condition that can cause an incident. More generally, operators must explain their "management of change" process for when they make changes to their own operator qualification protocols, such as when and how a task, process, or span of control changes. Operators would have to develop a method to keep records and allow real-time checks of which workers are operator qualified and for which tasks on any worksite. It should also be apparent when those credentials expire.

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

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

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

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

**Reasoned Justification for Modification of the Rule** The existing 16 NYCRR § 255.604 only minimally, and very generally, requires that pipeline operators “operator qualify” their workers. Over the years, the lack of specific requirements has allowed a progressive shift by gas companies to involve themselves in less oversight and more out-sourcing of operator qualification programs. As a result, workers have been making more mistakes when constructing and repairing pipelines, all of which carry volatile and dangerous products (e.g. natural gas and petroleum). As recent gas incidents (in East Harlem in 2014 and Merrimack Valley, MA in 2018) have shown, being properly qualified is paramount to constructing and operating transmission and distribution pipelines.

#### **Regulatory Impact Statement**

Statutory Authority:

Public Service Law (PSL) §§ 4, 5, 65, and 66 assign to the Public Service Commission (PSC, Commission) jurisdiction, supervision, powers, and duties over natural gas (and other utility) corporations in New York State and the conveying, transportation, and distribution of gas, which includes “all powers necessary or proper,” to ensure that gas service is “safe and adequate and in all respects just and reasonable.” The PSC has general supervision of all pipeline corporations that deliver and otherwise provide service to end-use natural gas and steam customers operating throughout the State and of all property owned, leased or operated by a gas company in connection with or to facilitate the conveying, transportation, distribution, or furnishing of gas for light, heat or power. PSL §§ 4(1), 5(1)(b), 65(1) and 66(1). Pursuant to its statutory mandate to ensure safe and adequate gas service, in 1968 the Commission adopted gas safety regulations, found primarily in 16 NYCRR Part 255, which have been amended from time to time to further ensure the safety of New York’s natural gas delivery system.

In 1994, the federal Natural Gas Pipeline Safety Act (the Act), 49 USC § 60101 et. seq., included within federal jurisdiction all intrastate pipelines for safety purposes. The United States Department of Transportation (USDOT) also established minimum safety standards that apply to “owners and operators of pipeline facilities” 49 USC § 60102(a)(2)(A); 49 USC § 60102 (a)(2)(C), 49 CFR §§ 192.801-192.809. The USDOT’s Pipeline and Hazardous Materials Safety Administration (PHMSA), acting through its Office of Pipeline Safety, administers and enforces federal safety standards. A State may, however, pursuant to 49 USC § 60105, assume oversight and enforcement authority over intrastate pipeline facilities if the State submits a certification to USDOT/PHMSA that the State has adopted each applicable federal standard. A State that has submitted a current certification under § 60105(a) must adopt PHMSA regulations but also may adopt additional or more stringent safety standards for intrastate pipeline facilities as long as the standards are compatible with the minimum federal standards. 49 USC § 60104(c). The New York State Department of Public Service is PHMSA’s agent for safety purposes.

Pursuant to this statutory obligation, the Commission is proposing to adopt stricter training and testing requirements for workers who design, install, and repair pipelines in New York. For instance, training workers on the same system on which workers will be performing repair and construction work will ensure the procedures for operating each system are followed. One gas company may have a low-pressure system and another may have a high-pressure system; therefore, different procedures for operating each system will exist. Similarly, “abnormal operating conditions” (AOC) can exhibit different properties depending on the mechanics of each pipeline system. Requiring that written test-takers answer all questions about abnormal operating conditions correctly to become operator qualified is necessary because any one incorrectly repaired AOC can cause catastrophic problems, such as that which occurred in Merrimack, Massachusetts in 2018. Relatedly, securely offering written tests avoids cheating on those tests. Finally, when on-site to perform work on a certain pipeline, updated and accurate credentials must be readily available given that sub-contractors often complete work for utilities.

Legislative Objectives:

The objective of the PSC’s empowering statute is to ensure the safe and

adequate delivery of natural and other fuel gas. The proposed amendments to 16 NYCRR Part 255 achieves these objectives because the amendments require hands-on training and evaluation for workers who design, build, operate, and maintain pipelines. Further, Commission approval of Special Permits allows the industry flexibility in complying with safety standards because operators can implement comparable technological and service improvements that meet or exceed current standards when the new approach is made possible rather than having to wait for industry-wide changes to be adopted. The proposed regulatory changes are necessary because the health and safety of the public depends on properly-trained and qualified individuals who both understand the system on which they are working and are told when changes in operating procedures are made. The direct, practical, impact that the proposed amendments will have is to make the provision of gas services safer for everyone, including the on-site workers themselves.

Needs and Benefits:

The purpose of the proposed changes is to improve the safety of pipelines in New York by better training the workers who install those pipelines. Although PHMSA and the DPS have had in place Operator Qualification requirements for 20 years, the need to make the requirements more specifically tied to hands-on, practical, training and evaluation and to make them more comprehensive first became evident in 2014, during the DPS’s investigation of a major gas explosion in East Harlem, New York (which resulted in eight fatalities). Staff learned that the gas company worker who had completed the failed fuse involved in that incident had lapsed Operator Qualifications (Op Qual). Further investigation revealed that the Op Qual training and evaluation that had been provided to that and other workers had not included an important, and required, test that confirms that workers know how to successfully complete a plastic fusion when joining pipes (the “destructive test”). Then, in December 2016, a whistleblower alerted the DPS that a contractor for two large utilities had been distributing answer sheets to written Op Qual tests that are used to evaluate worker knowledge of gas systems and workers’ ability to identify abnormal operating conditions (AOCs), conditions that often warrant an emergency response. During subsequent re-digs of facilities constructed and repaired by workers who had taken written tests when the answer sheets were widely available, DPS observed and otherwise learned that more than 2,000 regulatory safety violations had occurred on newly constructed pipelines in New York. Further, pipeline operators need to make specific improvements in their Operator Qualification programs and need to require Op Qual with respect to construction tasks in addition to operations and maintenance tasks.

Proposed amendments to 16 NYCRR § 255.3 (Definitions) are made solely to define terms used in the proposed training and evaluation amendments. For instance, the term, “Span of Control,” refers to the “ratio of nonqualified to qualified individuals where the nonqualified individual may be directed and observed by a qualified individual when performing a covered task.” While operators will establish the span of control required for each of their covered tasks based upon the complexity of the task, operators must abide by the span of control they establish in their Operator Qualification program.

Finally, with respect to the proposed change that allows operators to apply for a “Special Permit” (16 NYCRR § 255.13), this would occur when the operator proposes an alternative way to implement existing safety rules. A Commission-approved “Special Permit” not only better describes the actual process when a regulatory requirement, as written, would not adequately address a specific circumstance, it also maintains safety because any new approach to fulfilling a regulatory safety requirement must either meet or exceed the precise safety standard preserved in the regulations. A Special Permit will replace, perhaps only on a temporary basis, the regulation as written and must achieve the same measure of safety as the existing language in the regulation. PHMSA, from time to time, grants “Special Permits” in lieu of “waivers” for similar reasons. Operators would need to petition the Commission and justify Commission approval of a Special Permit, showing the alternative compliance proposal meets or exceeds existing safety requirements.

The practical impact of the proposed amendment to the requirement that gas companies establish a Mutual Aid Plan (whereby nearby operators assist during an emergency on one operator’s system) is that everyone working on the system in an emergency is able to identify and correct abnormal operating conditions on the gas system when emergencies occur. The public will be made safer because better-trained pipeline operators will be assisting to correct operations during an emergency with assistance from other operators who have been similarly trained and qualified.

Costs:

Costs to Private Safety-Regulated Parties:

Operators have been required to Operator Qualify anyone who performs operations and maintenance tasks on pipeline facilities since 1999. The improvements in this rulemaking simply ensure that every person working on a pipeline is sufficiently qualified to complete each task they are as-

signed to do or are directly supervised by an individual who is fully qualified to complete that task. While the cost to train workers may go up somewhat, that may not necessarily occur because some operators may have adopted some or all of the proposed processes in the proposed rules since the Department held its 2017 Technical Conference or even before the 2017 Technical Conference.

The proposed requirements more specifically make sure operators do not take shortcuts and are able to readily confirm that a worker is fully qualified to complete the task at hand.

**Costs to Local Government:**

There are no anticipated added costs to local governments.

**Costs to the Public Service Commission or the Department of Public Service:**

Operators' documentation of worker training and testing will add to the annual auditing practices of the PSC and DPS, but to the extent that the confirmation will improve gas safety and may avoid gas incidents, it could reduce PSC compliance and enforcement costs.

**Costs to Other State Agencies:**

There are no known or identifiable costs to other State agencies or offices of State government.

**Local Government Mandates:**

None.

**Paperwork:**

Pipeline operators are already required to retain records for each worker who is trained and qualified; therefore, any increase to existing paperwork requirements would be limited. The only addition will be to include tasks that are newly deemed a "covered task." These would include tasks related to construction and some engineering functions. This record-keeping is necessary so that Company job-site inspectors, or DPS auditors on site, can confirm that the workers present have been evaluated and deemed qualified to work on the pipeline task they are completing. Which covered tasks require which training will be defined by each operator. The retention of records may be electronic, which will reduce paperwork while also allowing that records of Operator Qualified workers be kept.

**Duplication:**

There are no relevant State regulations that duplicate, overlap, or conflict with the proposed revisions.

**Alternatives:**

None. Pipeline operators have been managing Operator Qualification programs for more than 20 years and, over time, their oversight has weakened, allowing lapses in Op Qual credentials, failures to evaluate skill levels on every type of task completed, and an inability to confirm after-the-fact the extent to which a worker had been Operator Qualified when they completed a task.

**Federal Standards:**

The proposed Operator Qualification standards in the pending regulations are based upon Operator Qualification regulations PHMSA proposed in 2015. While PHMSA has not yet acted upon its proposal, it is possible PHMSA will adopt its own Op Qual rules for operators nationwide. If PHMSA does adopt its 2015 proposed rules, New York will be required to adopt them as well. States may, however, adopt rules that are more stringent than PHMSA's.

**Compliance Schedule:**

The proposed revisions would be effective upon publication of a Notice of Adoption filed in the New York State Register. Operators would be allowed six months to incorporate changes into their existing written OP Qual plans, nine months to implement those plans, and 12 months to train and qualify workers under the new plans.

#### **Regulatory Flexibility Analysis**

1. Effect of rule: The proposed rule improves pipeline operators' training and testing of workers who complete any work that affects the integrity of a pipeline in New York State.

2. Compliance requirements: Any additional burden on industry is incremental to existing requirements to train their workers and keep records of that training and qualification process.

3. Professional services: There are no professional services that local governments will need to comply with the changes associated with this rule. Local Governments that operate gas systems and small pipeline operators may train their own workers as long as the operators do so within their identified span of control. Although written tests must be provided by a secure source, written tests are not required to be operator qualified.

4. Compliance costs: Costs to industry and local municipal gas companies will be minimal. If necessary, regulated gas companies can recover any added costs associated with the new training requirements in rates; recordkeeping of qualified workers is already required of operators, although the new recording requirements will be more complete.

5. Economic and technological feasibility: The proposed rule does not require any specialized technology for compliance.

6. Minimizing adverse impact: No adverse impacts exist.

7. Small business and local government participation: Small businesses

and local governments are not affected by the rule changes. However, the PSC will comply with the New York State Administrative Procedure Act (SAPA) section 202-b (6) by accepting public comments to the Notice of Proposed Rulemaking and will be summarizing comments and responding to comments that are received.

8. Cure period: No cure period is included in the proposed rule. Gas Safety Section Staff at the Department of Public Service typically offers utilities a thirty (30) day cure period to correct deficiencies in biannual audit findings and prior to recommending the pursuit of any enforcement.

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

1. Types and estimated numbers of rural areas: This rule applies to the entire State and impacts all rural areas of the State.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The proposed rule would require operators of all pipelines to develop and implement Operator Qualification training and testing programs for professionals in the industry who design, construct, alter, or repair pipelines. Pipeline operators will be required (although most, if not all, already do) provide hands-on training followed by practical evaluations that test individuals' skills, and operators will be required to keep records of their Operator Qualified workers. There are no additional burdens on industry to increase reporting requirements resulting from the proposed rule. Since the industry has traditionally conducted in-house training and testing of its employees and contractors, no professional assistance requirement to comply with these Operator Qualification programs elements is anticipated. A small number of towns in New York State operate their own municipal gas corporations and under the proposed rule would be required to make sure their workers are able to recognize abnormal operating conditions and can otherwise complete construction and repair tasks accurately and in compliance with safety regulations. Operators will also have to retain readily available documentation to show that workers have been properly trained and tested on the tasks they are completing; however, larger gas companies have already begun to offer assistance by making training and assessments readily available to smaller gas companies.

3. Costs: Costs to industry, municipalities, and unions relative to compliance with improvements to operator qualification programs are currently unknown. However, since the new requirements primarily refine record keeping (which can be electronic), communication of changes about company procedures, and ongoing worker knowledge, skills, and ability evaluations, all of which have already should have been part of operator qualification programs, the costs should not be significant. Potential offsets to minimize adverse impacts on small businesses could include adding such costs to utility operation and maintenance budgets to socialize them among utility ratepayers. Larger gas operators can join with smaller operators to train and test individuals for many of the tasks for which adequate training is necessary to keep pipeline systems safe.

4. Minimizing adverse impact: No adverse impacts exist relative to the operator qualification training and testing requirements. In fact, the added safety of better trained and tested workers can save lives. No adverse impacts exist relative to the use of the term "special permit" to refer to alternative actions that might allow an LDC to deviate from the precise written rules upon a showing to the Commission that the alteration meets or exceeds existing safety language.

5. Rural area participation: The PSC will comply with the New York State Administrative Procedure Act (SAPA) section 202-bb (7) by assuring that public and private interests in rural areas have been given an opportunity to participate in the rule making process. This participation has already occurred in a 2017 Technical Conference to which all operators were invited.

Furthermore, the PSC will be accepting public comments to the Notice of Proposed Rulemaking and will be summarizing and responding to the comments that are received. The Secretary of the Public Service Commission will also be issuing a notice to stakeholder groups on a distribution list to apprise members of this rulemaking and to solicit comments.

#### **Job Impact Statement**

1. Nature of impact: Compliance with the requirement that pipeline operators must train and assess the people who complete covered tasks on pipelines under the proposed operator qualification rules will not impact existing jobs except to better train workers. In fact, better training throughout the pipeline operator workforce will allow professional movement among the industry. Adding the requirement that workers be supervised by someone already operator qualified will ensure a better trained workforce for all pipeline operators. Better trained workers may help improve impacts to worker income.

2. Categories and numbers affected: All pipeline operators and contract workforce they hire to perform construction, operations and maintenance work, including rate-regulated and non-rate-regulated workers will receive more comprehensive training.

3. Regions of adverse impact: This proposed rulemaking will not have a

disproportionate adverse impact on any specific area for jobs or employment opportunities in New York State.

4. Minimizing adverse impact: Operators are already required to hire properly qualified pipeline workers. No adverse impact is expected. (19-G-0376SP1)

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

**Notice of Intent to Submeter Electricity**

**I.D. No.** PSC-14-21-00008-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 the notice of intent of Silo Ridge Condominiums II to submeter electricity at 5021 Route 44, Amenia, New York.

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

**Subject:** Notice of intent to submeter electricity.

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

**Substance of proposed rule:** The Commission is considering the notice of intent of Silo Ridge Condominiums II, filed on March 12, 2021, to submeter electricity at two new market-rate condominium buildings, located at 5021 Route 44, Amenia, New York 12501, in the service territory of New York State Electric and Gas Corporation.

In the notice of intent, Silo Ridge Condominiums II requests authorization to take electric service from New York State Electric and Gas Corporation and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(21-E-0162SP1)

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

**Tariff Amendments Regarding the Clean Energy Standard Supply Surcharge**

**I.D. No.** PSC-14-21-00009-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 a tariff filing by Niagara Mohawk Power Corporation d/b/a National Grid to modify the calculation of the Clean Energy Standard Supply Surcharge.

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

**Subject:** Tariff amendments regarding the Clean Energy Standard Supply Surcharge.

**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 proposed

tariff amendments filed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company) on March 15, 2021. The Company proposes to amend its electric tariff schedule, P.S.C. No. 220, regarding the calculation of the Clean Energy Standard Supply (CESS) charge. The proposed amendments have an effective date of July 1, 2021.

Currently, Rule 46.3.5.1 of the electric tariff specifies the renewable Energy Standard (RES) charge calculation, which only specifies Tier 1 Renewable Energy Certificate (REC) costs, included as part of the CESS charge. The proposed revisions include the recovery of REC costs from additional tiers. The Company also proposes to remove the word "annual" from Rule 46.4 to provide for CESS Statement filings more times than once per year, if needed.

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

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

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

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

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

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

(21-E-0168SP1)

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## Department of Transportation

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

**Regulation of Commercial Motor Carriers in New York State**

**I.D. No.** TRN-14-21-00004-P

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

**Proposed Action:** This is a consensus rule making to amend sections 154-1.1(f), 154-2.1(e), 720.12(a), 721.6, 750.3, 820.13, and 855.2 of Title 17 NYCRR.

**Statutory authority:** Transportation Law, sections 14(12), (18), 14-f(1)(a), 138(2), 140(2), art. 9-A; Vehicle and Traffic Law, arts. 19-A and 19-B

**Subject:** Regulation of commercial motor carriers in New York State.

**Purpose:** The rule making updates Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers.

**Text of proposed rule:** 17 NYCRR sections 154-1.1(f), 154-2.1(e), 720.12(a), 721.6, 750.3, 820.13 and 855.2 are amended to read as follows:  
Section 154-1.1.

(f) The provisions of the Code of Federal Regulations (CFR) that have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the books entitled: Title 49 CFR Parts 100 to 177, Parts 178 to 199, Parts 300 to 399, Parts 400-571 and Parts 572-999 revised as of October 1, [2017]2019, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The incorporated regulations may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation and Office of Counsel, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000. The full text of the Code of Federal Regulations is available in electronic format at [www.ofr.gov](http://www.ofr.gov). Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

17 NYCRR section 154-2.1.

(e) Incorporation by reference. The provisions of the Code of Federal Regulations (CFR) that have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the books entitled: Title 49 CFR Parts 100 to 177, Parts 178 to 199, Parts 300 to 399, Parts 400-571 and Parts 572-999 revised as of October 1, [2017]2019, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The incorporated regulations may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000. The full text of the Code of Federal Regulations is available in electronic format at [www.ofr.gov](http://www.ofr.gov). Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

17 NYCRR 720.12 Incorporation by reference.

(a) Incorporation by reference. The provisions of the Code of Federal Regulations which have been incorporated in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Code of Federal Regulations, Title 49, Parts 100 to 177, Parts 178 to 199, Parts 300 to 399, Parts 400 to 571 and Parts 572 to 999 revised as of October 1, [2017]2019, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the Libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000. The full text of the Code of Federal Regulations is available in electronic format at [www.ofr.gov](http://www.ofr.gov). Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

Section 721.6. Incorporation by reference.

The provisions of the Code of Federal Regulations that have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publication so filed being the books entitled: Title 49 Code of Federal Regulations Parts 100 to 177, Parts 178 to 199, Parts 300 to 399, Parts 400-571 and Parts 572-999, revised as of October 1, [2017]2019, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The incorporated regulations may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation and Office of Counsel, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000. The full text of the Code of Federal Regulations is available in electronic format at [www.ofr.gov](http://www.ofr.gov). Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

Section 750.3. Minimum levels of financial responsibility for for-hire motor carriers of passengers.

The Commissioner of Transportation adopts part 387 of title 49 of the Code of Federal Regulations with the same force and effect as though herein fully set forth at length for for-hire motor carriers of passengers operating motor vehicles in interstate and foreign commerce. The provisions of Title 49 of the Code of Federal Regulations that have been incorporated by reference in this Part, including Parts 100 to 177, Parts 178 to 199, Parts 300 to 399, Parts 400-571 and Parts 572-999, revised as of October 1, [2017]2019, have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Title 49 Code of Federal Regulations Parts 100 to 177, Parts 178 to 199, and Parts 300 to 399, Parts 400-571, revised as of October 1, [2017]2019, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The incorporated regulations may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation and Office of Counsel, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000. The full text of the Code of Federal Regulations is available in electronic format at [www.ofr.gov](http://www.ofr.gov). Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

Section 820.13. Incorporation by reference.

The provisions of the Code of Federal Regulations that have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Title 49 Code of Federal Regulations Parts 100 to 177, Parts 178 to 199, Parts 300 to 399, Parts 400-571 and Parts 572-999, revised as of October 1, [2017]2019, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The provisions of Subpart B Part 395 of Title 49 the Code of Federal Regulations specifically include the Electronic Logging Device requirement and that is incorporated by reference into section 820.6 of this Part. The incorporated regulations may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation Office of Counsel, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000. The full text of the Code of Federal Regulations is available in electronic format at [www.ofr.gov](http://www.ofr.gov). Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

Section 855.2. Minimum levels of financial responsibility for interstate motor carriers of property.

The provisions of the Code of Federal Regulations that have been incorporated by reference in this Part have been filed in the Office of the Secretary of State of the State of New York, the publications so filed being the books entitled: Title 49 Code of Federal Regulations Parts 100 to 177, Parts 178 to 199, Parts 300 to 399, Parts 400-571 and Parts 572-999, revised as of October 1, [2017]2019, published by the Office of the Federal Register, National Archives and Records Administration, as a special edition of the Federal Register. The regulations incorporated by reference may be examined at the Office of the Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001, at the law libraries of the New York State Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel or Motor Carrier Compliance Bureau, 50 Wolf Road, Albany, NY 12232. They may be purchased by mail from the US Government Printing Office, New Orders, P.O. Box 979050, St. Louis, MO 63197-9000 with payment by check or with payment by credit card at 8066-512-1800. The full text of the Code of Federal Regulations is available in electronic format at [www.ofr.gov](http://www.ofr.gov). Copies of the Code of Federal Regulations are also available at many public libraries and bar association libraries.

**Text of proposed rule and any required statements and analyses may be obtained from:** David E. Winans, Associate Counsel, Department of Transportation, 50 Wolf Road, Albany, NY 12232, (518) 457-5793, email: [david.winans@dot.ny.gov](mailto:david.winans@dot.ny.gov)

**Data, views or arguments may be submitted to:** David E. Winans, Associate Counsel, Department of Transportation, 50 Wolf Road, Albany, NY 12232, (518) 457-5793, email: [david.winans@dot.ny.gov](mailto:david.winans@dot.ny.gov)

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

#### **Consensus Rule Making Determination**

The New York State Department of Transportation (NYSDOT) in partnership with the New York State Police Commercial Vehicle Enforcement personnel, engages in commercial motor vehicle enforcement activities under the federal Motor Carrier Safety Assistance Program (MCSAP), the regulatory guidelines for which are published in 49 CFR Part 350. MCSAP is a grant program that provides federal financial assistance to states to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles. The Federal Motor Carrier Safety Administration sets the conditions for participation by states and local jurisdictions and promotes the adoption and uniform enforcement of safety rules, regulations, and standards compatible with the federal motor carrier safety regulations and federal hazardous material regulations for both interstate and intrastate motor carriers and drivers. As provided in 49 USCS section 31102, the goal for MCSAP is to ensure that the Secretary, States, local governments, other political jurisdictions, federally recognized Indian tribes, and other persons work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system by, among other things, adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with federal requirements. Pursuant to implementation of said goal under 49 USCS section 31136, the Secretary of Transportation shall adopt regulations on commercial motor vehicle safety. At a minimum, the regulations shall ensure the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely so that the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators.

As provided in 49 CFR 350.355, FMCSA may initiate a proceeding to withdraw Plan approval or withhold MCSAP funds in accordance with 49 CFR 320.215 under certain circumstances, one of which occurs when a State fails to adopt a new federal motor carrier safety regulation (FMCSR) or hazardous material regulation (HMR) or an amendment to an existing FMCSR or HMR within 3 years of its effective date. NYSDOT last incorporated such federally consistent standards in December of 2018. Since then the FMCSR or HMR have been amended in various respects. As provided in 49 USCS section 31141(c), states may enforce regulations with the same effect as FMCSA and various NYSDOT regulations make FMCSA regulations applicable to all motor carriers and drivers operating either interstate or intrastate, with limited enumerated exceptions. States are not authorized to make random inspections of commercial motor vehicles to confirm compliance to operate within the mandatory prescriptions of MCSAP as provided in 49 USCS section 31142(d).

NYSDOT has determined that no person is likely to object to the amendment of the 17 NYCRR parts as herein proposed. The updates between 2017 and 2019 have been relatively minor and already apply in FMCSA regulations that apply in all 50 states. Pursuant to SAPA section 102(11)(b), this rulemaking conforms to non-discretionary statutory provisions in Transportation Law Article 9-A and 49 USCS sections 31136 through 31142. The purpose of this rulemaking is to update Title 49 CFR regulations that are incorporated by reference into Title 17 NYCRR to the 10/1/2019 Title 49 CFR edition that is the last published edition that is currently available. This rulemaking does not represent a change in NYSDOT policy or practice, nor does it impose significant burdens on commercial motor vehicle carriers and drivers.

#### **Job Impact Statement**

1. Nature of impact: The proposed rule changes are advanced periodically to comply with the agreement between the State of New York and the Federal Motor Carrier Safety Administration (FMCSA) and to assure consistency between Title 17 NYCRR and Title 49 CFR provisions related to safe operation of commercial motor vehicles, most of which are incorporated by reference. Since the Department last adopted such updates by incorporation of the 10/1/2017 edition of CFR safety provisions in December 2018 the amendments to 49 CFR incorporated by New York have been minor. The current update serves to capture updates to the FMCSA rules by incorporation and is not expected to have a significant impact on jobs; the associated New York State Department of Transportation (NYSDOT) enforcement activity will be consistent with past practice.

2. Categories and numbers affected: Federal Motor Carrier rules apply to most owners and operators of commercial motor vehicles.

3. Regions of adverse impact: Inspections and reviews are conducted pursuant to Department policy and there is no variance in the methodology across regions. No adverse impact on jobs in any particular region is anticipated.

4. Minimizing adverse impact: Title 17 NYCRR regulations must remain consistent with the CFR, per 49 USCS section 31141. As such, NYSDOT reviews and inspections are performed using the standards that are found in the CFR regulations incorporated by reference in 17 NYCRR. Neither the frequency of inspections nor the basis for NYSDOT enforcement action is expected to change in any way post adoption of the instance rulemaking, so categories and numbers affected remain the same. The purpose of performing motor carrier enforcement activities is the advancement of public safety through verification of compliance with state law and regulation pertaining to motor carrier safety; consequently, there should be no adverse impacts.

**Purpose:** To allow reimbursement for COVID-19 testing when benefits are sought due to workplace exposure to COVID-19.

**Text or summary was published** in the December 2, 2020 issue of the Register, I.D. No. WCB-48-20-00002-EP.

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

**Text of rule and any required statements and analyses may be obtained from:** Heather MacMaster, NYS Workers' Compensation Board, Office of General Counsel, 328 State Street, Schenectady, NY 12304, (518) 486-9564, email: regulations@wcb.ny.gov

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required because the changes made to the last published rule do not necessitate revision to the previously published documents. These changes do not affect the meaning of any statements in the document.

#### **Initial Review of Rule**

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

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

During the public comment period, the Board received one written comment.

The comment requested that the text of the regulation be changed to state that reimbursement at the fee schedule rate is allowable only when the COVID-19 test is positive, because health insurance should pay for negative tests. The Board believes that this change is unnecessary because the text of the regulation allows testing for COVID-19 consistent with the Workers' Compensation Law – for suspected work-place exposure, the text already requires a positive test for reimbursement, and allows for testing when required for pre-operative protocol prior to treatment in connection with a workers' compensation claim.

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## Workers' Compensation Board

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### NOTICE OF ADOPTION

#### **Reimbursement for COVID-19 Testing**

**I.D. No.** WCB-48-20-00002-A

**Filing No.** 280

**Filing Date:** 2021-03-23

**Effective Date:** 2021-04-07

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

**Action taken:** Addition of section 329-1.3(d) to Title 12 NYCRR.

**Statutory authority:** Workers' Compensation Law, sections 117 and 141

**Subject:** Reimbursement for COVID-19 testing.

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Environmental Conservation, Department of</b>		
ENV-04-21-00008-P .....	Food Donation and Food Scraps Recycling	Electronic webinar—April 7, 2021, 1:00 p.m. and 6:00 p.m. Instructions on how to “join” the hearing webinar and how to provide an oral statement may be accessed at the proposed regulations webpage for the Department, available at: <a href="https://www.dec.ny.gov/regulations/propregulations.html#public">https://www.dec.ny.gov/regulations/propregulations.html#public</a> . Instructions will also be available on the Department’s events calendar at: <a href="https://www.dec.ny.gov/calendar/">https://www.dec.ny.gov/calendar/</a> . Persons who wish to receive the instructions by mail or telephone may call DEC at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 350 public comment hearing. Interpreter services for hearing impaired persons or persons with limited English proficiency will be provided at no charge upon written request submitted no later than March 24, 2021. The written request must be addressed to ALJ Caruso, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Caruso at <a href="mailto:ohms@dec.ny.gov">ohms@dec.ny.gov</a> .
<b>Liquor Authority, State</b>		
LQR-12-21-00005-P .....	Minimum Curriculum Requirements for ATAP Schools	163 W. 125th St. New York, NY—June 9, 2021, 10:00 a.m.
<b>Long Island Power Authority</b>		
LPA-14-21-00010-P .....	To Increase Participation in the NYSERDA GJGNY On-Bill Loan Installment Program	Virtual (link will be on LIPA website)—June 7, 2021, 10:00 a.m. and 2:00 p.m.
<b>Public Service Commission</b>		
PSC-02-21-00006-P .....	Disposition of a Sales Tax Refund Received by New York American Water, Inc.	The Public Hearing will be held online and by telephone. Details for access will be published via Notice at the DPS website ( <a href="http://www.dps.ny.gov">www.dps.ny.gov</a> ) 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 ( <a href="http://www.dps.ny.gov">www.dps.ny.gov</a> ) under Case 20-W-0654.
PSC-06-21-00009-P .....	Disposition of a Property Tax Refund Received by New York American Water, Inc.	The Public Hearing will be held online and by telephone. Details for access will be published via Notice at the DPS website ( <a href="http://www.dps.ny.gov">www.dps.ny.gov</a> ) under Case 21-W-0060—April 19, 2021, 10:00 a.m.* *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 ( <a href="http://www.dps.ny.gov">www.dps.ny.gov</a> ) under Case 21-W-0060.

**State, Department of**

DOS-12-21-00010-P.....	New York State Uniform Fire Prevention and Building Code (Uniform Code)	99 Washington Ave., Room 505, Albany NY— May 27, 2021, 10:00 a.m. Due to the ongoing pandemic, the public hearing scheduled to accept public comments may be held virtually only. Instructions for attendance online or by phone will be provided on the Department of State’s Division of Building Standards and Codes’ website at <a href="https://www.dos.ny.gov/DCEA/">https://www.dos.ny.gov/DCEA/</a> at least fourteen (14) days prior to the public hearing.
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**ACTION PENDING INDEX**

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>00001</b>	<b>P</b>

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

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

*AAM-12-20-00006-P	..... 04/29/21	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-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-28-20-00016-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-04-20-00009-P	..... 04/29/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
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	..... 04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
*CVS-03-20-00004-P	04/29/21	Jurisdictional Classification	To classify a position in the exempt class
*CVS-03-20-00005-P	04/29/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
*CVS-03-20-00006-P	04/29/21	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-03-20-00007-P	04/29/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
*CVS-06-20-00001-P	04/29/21	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-06-20-00002-P	04/29/21	Jurisdictional Classification	To classify a position in the exempt class
*CVS-06-20-00003-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-06-20-00004-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-06-20-00005-P	04/29/21	Jurisdictional Classification	To delete positions from the non-competitive class
*CVS-06-20-00006-P	04/29/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
*CVS-06-20-00007-P	04/29/21	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	04/29/21	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	04/29/21	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	04/29/21	Jurisdictional Classification	To classify positions in the exempt class
*CVS-13-20-00010-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-13-20-00011-P	04/29/21	Jurisdictional Classification	To delete positions from the exempt class
*CVS-13-20-00012-P	04/29/21	Jurisdictional Classification	To delete positions from the non-competitive class
*CVS-13-20-00013-P	04/29/21	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-13-20-00014-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class
*CVS-13-20-00015-P	04/29/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
*CVS-13-20-00016-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class

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<b>CIVIL SERVICE, DEPARTMENT OF</b>			
*CVS-13-20-00017-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class
*CVS-13-20-00018-P	04/29/21	Jurisdictional Classification	To classify a position in the exempt class
*CVS-13-20-00019-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class
*CVS-13-20-00020-P	04/29/21	Jurisdictional Classification	To delete positions in the non-competitive class
*CVS-13-20-00021-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-13-20-00022-P	04/29/21	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-13-20-00023-P	04/29/21	Jurisdictional Classification	To delete positions from the non-competitive class
*CVS-13-20-00024-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes.
*CVS-13-20-00025-P	04/29/21	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-18-20-00004-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00005-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00006-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00007-P	05/06/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-20-00008-P	05/06/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-18-20-00009-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00010-P	05/06/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-24-20-00002-P	06/17/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-24-20-00003-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00004-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00005-P	06/17/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-20-00006-P	06/17/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-20-00007-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00008-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
CVS-06-21-00001-P	02/10/22	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to classify positions in the non-competitive class
CVS-06-21-00002-P	02/10/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-21-00003-P	02/10/22	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-06-21-00004-P	02/10/22	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-21-00005-P	02/10/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-10-21-00001-P	03/10/22	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CVS-10-21-00002-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class and to classify a position from the non-competitive class
CVS-10-21-00003-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-10-21-00004-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-10-21-00005-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00005-P	03/31/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00006-P	03/31/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00007-P	03/31/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-21-00008-P	03/31/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-14-21-00001-P	04/07/22	Juneteenth Holiday	To add Juneteenth to the listing of holidays in the Attendance Rules
CVS-14-21-00002-P	04/07/22	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>COMMISSIONER OF PILOTS, BOARD OF</b>			
COP-12-21-00001-P	03/24/22	Updating the current website address; changing terminology regarding credentials and; changing age range for acceptance	To provide current information and allow for a more practical admission procedure reflecting modern reality
<b>CORRECTION, STATE COMMISSION OF</b>			
CMC-04-21-00002-P	01/27/22	Ratio of toilet, sink, shower per youth in Specialized Secured Detention Facility for Older Youth	Amend the ratio of toilet, sink, and shower to coincide with Office of Children and Family Services regulations
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
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
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
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
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-48-20-00001-P	12/02/21	Employee Training Incentive Program	To update the administrative processes for the ETIP program
<b>EDUCATION DEPARTMENT</b>			
*EDU-17-19-00008-P	04/29/21	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	04/29/21	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-20-20-00008-ERP	08/18/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
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
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
EDU-04-21-00009-EP	01/27/22	Designation of the Executive Deputy Commissioner as the Deputy Commissioner of Education as specified in Education Law § 101	To conform the Regents Rules to changes in the internal organization of the State Education Department
EDU-04-21-00010-P	01/27/22	The licensure of registered pharmacy technicians	To implement the provisions of Chapter 414 of the Laws of 2019 relating to the licensure of registered pharmacy technicians
EDU-08-21-00001-EP	02/24/22	Providing Flexibility Relating to Higher Education Regulatory Requirements in Response to the COVID-19 Crisis	To provide flexibility for certain higher education related regulatory requirements in response to the COVID-19 crisis
EDU-08-21-00002-P	02/24/22	The Definition of the Term “University”	To clarify and broaden the definition of the term “university”
EDU-13-21-00011-EP	03/31/22	Licensure requirements for Land Surveyors	Adding and amending licensure requirements for Land Surveyors
EDU-13-21-00012-P	03/31/22	Renaming the Languages Other Than English (LOTE) learning standards to “World Languages”	To rename the LOTE learning standards to “World Languages” and corresponding changes to the certificate title and tenure titles
EDU-13-21-00013-P	03/31/22	Eligibility of School Psychology Candidates for the Internship Certificate	To allow candidates enrolled in registered school psychology programs to be eligible for the Internship certificate
EDU-13-21-00014-EP	03/31/22	Addressing the COVID-19 Crisis	To provide regulatory flexibility in response to the COVID-19 crisis
<b>ELECTIONS, STATE BOARD OF</b>			
SBE-06-21-00015-EP	02/10/22	Related to establishing a cure process for absentee ballots	Establishes a cure process for absentee ballots
SBE-13-21-00015-P	03/31/22	Implementation of Cyber Security Requirements for Local Boards of Elections	Requires that that every county board of elections adhere to a minimum level of cyber-security standards
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
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
ENV-04-21-00007-P	03/30/22	Chlorpyrifos prohibition	Prohibit distribution, sale, purchase, possession, or use of pesticides that contain the active ingredient chlorpyrifos
ENV-04-21-00008-P	04/07/22	Food Donation and Food Scraps Recycling	Required by Title 22 of Article 27, the rule increases food donation and the recycling of food scraps through composting
ENV-12-21-00004-P	03/24/22	Public use of Wildlife Management Areas, and areas with special regulations	To ensure that public use of WMAs and other sites does not interfere or conflict with intended purposes of those areas
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-43-19-00017-RP	07/28/21	Independent Dispute Resolution for Emergency Services and Surprise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-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-09-21-00010-P	03/03/22	Notice to Employees Concerning Termination of Group and Health Insurance Policies, etc.	To make technical changes; comport with statutes; update office addresses; correct citations; etc.
DFS-13-21-00001-P	03/31/22	Enterprise Risk Management and Own Risk and Solvency Assessment	To require an entity subject to the rule to describe its ERM function in its enterprise risk report, among other things
DFS-14-21-00007-P	04/07/22	Public Adjusters	To update the rule regarding public adjusters, including to conform to Chapter 546 of the Laws of 2013
<b>GAMING COMMISSION, NEW YORK STATE</b>			
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-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
SGC-09-21-00011-P	03/03/22	Restrictions on clenbuterol use in Thoroughbred racing	To improve integrity, health and safety of Thoroughbred horse racing

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-09-21-00012-P	03/03/22	Thresholds for controlled therapeutic medications in horse racing	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-09-21-00013-P	03/03/22	Casino table game rules	To set forth the practices and procedures for the conduct and operation of table games
SGC-09-21-00014-P	03/03/22	Lasix administrations on race day	To enhance the safety and integrity of pari-mutuel racing
SGC-09-21-00015-P	03/03/22	Regulation of bingo	To conform bingo rules to current statutes, including allowing payment for bingo opportunity by check
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-36-19-00006-P	04/29/21	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
*HLT-46-19-00003-P	04/29/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
*HLT-47-19-00008-P	04/29/21	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	04/29/21	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
*HLT-04-20-00003-P	04/29/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
*HLT-04-20-00011-P	04/29/21	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	04/29/21	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-RP	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
HLT-38-20-00008-ERP	09/23/21	Revise Requirements for Collection of Blood Components	To facilitate the availability of human blood components while maintaining safety
HLT-45-20-00002-P	11/10/21	Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
HLT-05-21-00011-P	02/03/22	Ingredient Disclosures for Vapor Products and E-Cigarettes	To provide for enhanced public awareness of the chemicals used in vapor products and electronic cigarettes
HLT-06-21-00006-P	02/10/22	Name Change for the Physically Handicapped Children's Program (PHCP)	To change the name of the PHCP to Children and Youth with Special Health Care Needs Support Services Programs
HLT-07-21-00012-P	02/17/22	Rate Setting for Residential Habilitation in Community Residences and for Non-State Providers of Day Habilitation	To amend rate methodologies limiting payments to IRA providers to conform to provisions in approved waiver
HLT-09-21-00009-EP	03/03/22	Surrogacy Programs and Assisted Reproduction Service Providers	To license and regulate surrogacy programs
<b>HOMELAND SECURITY AND EMERGENCY SERVICES, DIVISION OF</b>			
HES-08-21-00007-P	02/24/22	Minimum qualifications for certain fire chiefs	Minimum qualifications for fire chiefs subject to Civil Service Law Section 58-a and General Municipal Law section 204-dd
<b>HOUSING AND COMMUNITY RENEWAL, DIVISION OF</b>			
*HCR-21-19-00019-P	04/29/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits.
<b>HOUSING FINANCE AGENCY</b>			
*HFA-21-19-00020-P	04/29/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
<b>LABOR, DEPARTMENT OF</b>			
*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
LAB-05-21-00003-EP	02/03/22	Unemployment Insurance (UI) definition of "day of total unemployment"	To prevent an additional financial burden on UI claimants seeking part-time work opportunities and help employers obtain talent
<b>LAW, DEPARTMENT OF</b>			
LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LIQUOR AUTHORITY, STATE</b>			
LQR-12-21-00005-P	06/09/22	Minimum curriculum requirements for ATAP schools	To add information regarding sexual violence prevention to minimum curriculum requirements for ATAP schools
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
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
LPA-12-21-00011-P	exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LPA-14-21-00010-P	exempt	To increase participation in the NYSEERDA GJGNY On-Bill Loan Installment program	To provide low-cost on-bill financing for customers investing in energy efficiency, DERs, and beneficial electrification
<b>LONG ISLAND RAILROAD COMPANY</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY</b>			
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
<b>MENTAL HEALTH, OFFICE OF</b>			
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
OMH-09-21-00001-EP	03/03/22	Redesigning Residential Treatment Facilities (RTF)	To provide clarity and provide uniformity relating to RTF's and to implement Chapter 58 of the Laws of 2020
<b>METRO-NORTH COMMUTER RAILROAD</b>			
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
<b>METROPOLITAN TRANSPORTATION AGENCY</b>			
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
<b>NEW YORK CITY TRANSIT AUTHORITY</b>			
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
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF</b>			
PKR-04-21-00005-P	01/27/22	Fees and charges for the use of State parks, parkways, historic sites and recreational facilities	To repeal outdated fees and charges that are not required to be posted in regulation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-02-21-00005-EP	01/13/22	Medical Consent	To assist providers in administering the COVID-19 vaccine
PDD-04-21-00001-P	01/27/22	Annual Prevocational Assessment	To allow such assessments to be conducted at a location specified by OPWDD
PDD-04-21-00006-P	01/27/22	Medication regimen review	Make technical corrections to align with current regulation allowing for an annual medication regimen review or more frequently
PDD-07-21-00003-P	02/17/22	Reimbursement of waiver services	To conform OPWDD waiver services to the federally approved waiver agreement
PDD-12-21-00007-P	03/24/22	Repeal and amendment to outdated rate regulations	Repeal and amendment to outdated rate regulations
PDD-14-21-00005-EP	04/07/22	Medical Consents	To assist providers in administering the COVID-19 vaccine
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs

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

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

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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47

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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-36-14-00009-P	..... exempt	Modification to the Commission’s Electric Safety Standards.	To consider revisions to the Commission’s Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison’s low income program to include Medicaid recipients.	Whether to expand Con Edison’s low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff’s electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff’s electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company’s request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants’ request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.’s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking’s request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison’s Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison’s Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
PSC-19-20-00004-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-21-20-00008-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-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-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-25-20-00015-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-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
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-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-38-20-00004-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-39-20-00015-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-39-20-00021-P	..... exempt	Authority to issue to long-term debt.	To consider Conring's request for authority to issue long-term debt.
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-40-20-00006-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-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 Conring's gas delivery revenues of approximately \$6.3 million (23.4% in total revenues).
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.
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-44-20-00006-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-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-46-20-00005-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-46-20-00007-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-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-48-20-00007-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-48-20-00009-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-49-20-00010-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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-51-20-00012-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-52-20-00006-P	..... exempt	Banked credit distribution rules and processes.	To ensure just and consistent banked credit distribution rules and processes.
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-52-20-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-52-20-00013-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-52-20-00017-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-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.
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.
PSC-04-21-00011-P	..... exempt	Proposed tariff revisions for the DLM Program summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-04-21-00012-P	..... exempt	Proposed tariff revisions and clarifications for the DLM Program summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-04-21-00013-P	..... exempt	Proposed tariff revisions for the DLM Program summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-04-21-00014-P	..... exempt	Proposed DLM Program and tariff revisions for the summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-04-21-00015-P	..... exempt	Proposed tariff revisions for the DLM Program summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-04-21-00016-P	..... exempt	Request for a waiver.	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement.
PSC-04-21-00017-P	..... exempt	Funding and management of the the Clean Energy Fund portfolio.	To review NYSERDA's proposed modifications to the Clean Energy Fund portfolio and determine whether the changes are acceptable.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-04-21-00018-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-04-21-00019-P	..... exempt	Consideration of National Grid USA's New York electric and gas utilities' Implementation Plan and audit recommendations.	To ensure that recommendations issued in a comprehensive management audit are appropriately addressed and implemented.
PSC-04-21-00020-P	..... exempt	NFG's Implementation Plan and audit recommendations.	To consider to implement the management audit recommendations.
PSC-05-21-00004-P	..... exempt	Alternative proposal for net crediting billing.	To facilitate development of and participation in Community Distributed Generation projects.
PSC-05-21-00005-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 100 MW electric generating facility.
PSC-05-21-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-21-00007-P	..... exempt	Petition to amend bill estimation procedures.	To consider the petition of Central Hudson Gas & Electric Corporation to amend its current bill estimation procedures.
PSC-05-21-00008-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-21-00009-P	..... exempt	Proposed rate increase in annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-05-21-00012-P	..... exempt	The electric utilities' 2021 Electric Emergency Response Plans.	To consider the adequacy of the proposed 2021 Electric Emergency Response Plans.
PSC-06-21-00008-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-06-21-00009-P	..... exempt	Disposition of a property tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-06-21-00010-P	..... exempt	Exemptions from utility standby rates for distributed energy resources and efficient combined heat and power projects.	To determine whether utility standby rate exemptions should be continued.
PSC-06-21-00011-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-21-00005-P	..... exempt	Staff Whitepaper recommending modifications to the utility's energy affordability program.	To consider updates and enhancements to the utility's low-income energy affordability program.
PSC-07-21-00006-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-07-21-00007-P	..... exempt	Conditioned pre-approval of stock transactions of regulated entities.	To consider allowing stock transactions within statutory parameters without Commission approval for individual transactions.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-07-21-00008-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To reduce unnecessary waste and disposal of hard copy directories.
PSC-07-21-00009-P	..... exempt	PSC regulations 16 NYCRR 86.3(a)(1); 86.3(a)(2); 86.4(b).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-07-21-00010-P	..... exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction
PSC-07-21-00011-P	..... exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction
PSC-08-21-00003-P	..... exempt	Utility-owned ESR participation in the New York Independent System Operator, Inc. (NYISO) administered wholesale markets.	To consider if National Grid should use a ESR in NYISO markets, and whether any conditions are appropriate for such use.
PSC-08-21-00004-P	..... exempt	Proposed transfer of water supply assets.	To determine if transfer of all water supply assets is in the public interest.
PSC-08-21-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-08-21-00006-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street lighting facilities and the proper accounting for the transaction.
PSC-09-21-00002-P	..... exempt	Gas moratorium procedures	To consider procedures and criteria to minimize customer hardships in the unlikely event of a future gas moratorium
PSC-09-21-00003-P	..... exempt	Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00006-P	..... exempt	Long-term gas system planning.	To consider a process to review gas distribution utilities' long-term system planning.
PSC-09-21-00007-P	..... exempt	Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00008-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-10-21-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-10-21-00008-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-10-21-00009-P	..... exempt	Gas Demand Response Pilot Program.	To provide promote natural gas system reliability by encouraging reductions of natural gas demand during peak gas demand days.
PSC-11-21-00003-P	..... exempt	NYSEG and RG&E's petition for a waiver of its customer service quality performance.	To determine if NYSEG and RG&E's petition for waiver is in the public interest.
PSC-11-21-00004-P	..... exempt	Pre-authorization to transfer certain cyber-security related equipment to other utilities participating in the CMA program.	To enhance the reliability of the energy system by enabling transfers of certain equipment to other participating utilities.
PSC-11-21-00005-P	..... exempt	Peition concerning tariff amendments regarding billing of transformer losses.	To ensure that the National Grid tariff contains appropriate provisions for the billing of transformer losses.
PSC-12-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-12-21-00009-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-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding.	To ensure the appropriate use of funding reserved for gas safety programs.
PSC-13-21-00017-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of an energy storage facility.	Consideration of a lightened regulatory regime for the owner of an approximately 100 MW energy storage facility.
PSC-13-21-00018-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-13-21-00019-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00020-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00021-P	..... exempt	Headroom analyses of local transmission and distribution system to support additional renewable energy generation.	To support distribution and local transmission investments necessary to achieve the the State's climate goals.
PSC-13-21-00022-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00023-P	..... exempt	Petition for the use of steam metering equipment.	To ensure that consumer bills are based on accurate measurements of steam usage.
PSC-14-21-00003-P	..... 04/07/22	More specific requirements for Operator Qualification to work on pipelines. Allows applications for "special permits."	To make the provision of natural gas service safer in New York State with better qualified pipeline workers.
PSC-14-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-14-21-00009-P	..... exempt	Tariff amendments regarding the Clean Energy Standard Supply Surcharge.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
<b>STATE, DEPARTMENT OF</b>			
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-05-21-00013-P	..... 02/03/22	Requirements and procedures related to filing, review and publication of financial reports filed with the Department of State	To provide procedures related to the filing, review and publication of financial reports filed with the Department of State
DOS-12-21-00010-P	..... 05/27/22	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To amend the existing Uniform Code to add specific provisions applicable to rail stations
DOS-13-21-00025-P	..... 03/31/22	Successor in interest registrations under the Right of Publicity law	To establish the fee and verification requirements to file a claim under the Right of Publicity law
<b>STATE UNIVERSITY OF NEW YORK</b>			
*SUN-53-19-00005-P	..... 04/29/21	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
SUN-05-21-00010-P	..... 02/03/22	Proposed amendments to the traffic and parking regulations at State University of New York at Potsdam	Amend existing regulations to update traffic and parking regulations
SUN-11-21-00006-EP	..... 03/17/22	Gender Neutral Bathrooms	To conform with legislation requiring SUNY state-operated campuses to designate all single occupancy bathrooms as gender neutral
<b>STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY</b>			
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.
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
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-07-21-00001-EP	..... 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
TAF-07-21-00002-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period April 1, 2021 through June 30, 2021
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
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
TDA-13-21-00010-P	..... 03/31/22	Establishment of parentage	To amend state regulations for the establishment of paternity to reflect federal and recently-enacted state statutory requirements, to coordinate and update terminology used by the Child Support Program, and to conform regulatory citations with state laws
<b>TRANSPORTATION, DEPARTMENT OF</b>			
TRN-14-21-00004-P	..... 04/07/22	Regulation of commercial motor carriers in New York State	The rule making updates Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers
<b>WORKERS' COMPENSATION BOARD</b>			
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-06-21-00013-P	..... 02/10/22	Medical Treatment Guidelines	To update back, neck, shoulder, knee, and NAP MTGs
WCB-10-21-00006-P	..... 03/10/22	Direct Deposit of compensation payments	To implement the statute requiring direct deposit be available for certain compensation payments
WCB-13-21-00002-EP	..... 03/31/22	Ambulatory surgery services fees	To update fees for ambulatory surgery services fees, especially due to the COVID-19 pandemic
WCB-13-21-00003-EP	..... 03/31/22	Designated contact information	To provide a compliance date for carriers, self-insured employers, or TPAs to designate points of contact in the PAR process
WCB-13-21-00004-EP	..... 03/31/22	Notice as required for compliance with the Formulary	To provide a compliance date for carriers, self-insured employers, or TPAs to provide notice as required by 12 NYCRR 441.3(f)
WCB-13-21-00009-P	..... 03/31/22	Updating the prescription drug formulary prior authorization process	To include medical marijuana in the prior authorization process

# SECURITIES OFFERINGS

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## STATE NOTICES

Published pursuant to provisions of General Business Law  
[Art. 23-A, § 359-e(2)]

## DEALERS; BROKERS

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AG CLO Equity Fund, L.P.  
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., 26th Fl., New York,  
NY 10167  
*Partnership — AG CLO Equity Fund GP, LLC*

AG CLO Equity Master Fund, L.P.  
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167  
*Partnership — AG CLO Equity Fund GP, LLC*

AG Kai Bo Realty, L.P.  
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167  
*Partnership — AG Kai Bo LLC*

Bragg Capital Trust, FPA Queens Road Value Fund  
11400 W. Olympic Blvd., Suite 1200, Los Angeles, CA 90064  
*State or country in which incorporated — Delaware*

Charles Schwab & Co., Inc.  
101 Montgomery St., San Francisco, CA 94104  
*State or country in which incorporated — Massachusetts*  
Douglas Scott Securities, Inc.  
1700 Alma Dr., Suite 110A, Plano, TX 75075  
*State or country in which incorporated — Texas*

First Boston Securities Inc.  
244 Fifth Ave., #26-B, New York, NY 10001  
*State or country in which incorporated — New York*

FPA U.S. Core Equity Fund, Inc.  
11400 W. Olympic Blvd., Suite 1200, Los Angeles, CA 90064  
*State or country in which incorporated — Maryland*

Intapp, Inc.  
3101 Park Blvd., Palo Alto, CA 94306  
*State or country in which incorporated — Delaware*

Investment Managers Series Trust II  
235 W. Galena St., Milwaukee, WI 53212  
*State or country in which incorporated — Delaware*

Ivy Hill IRBD, LLC  
267 Ivy Hill Road, Ridgefield, CT 06877  
*State or country in which incorporated — Delaware limited liability  
company*

Japan Tobacco Inc.  
Kamiyacho Trust Tower 1-1, Toranomom 4-chome, Minato-ku, 105-  
6927, Tokyo, Japan  
*State or country in which incorporated — Japan*

Michael Kelley  
One Beacon St., 32nd Fl., Boston, MA 02108  
*State or country in which incorporated — Maryland*

PBC 3801 Sycamore School Road, LP  
3800 N. Lamar Blvd., Suite 350, Austin, TX 78756  
*Partnership — PBC 3801 Sycamore School Road GP, LLC*

Portage Biotech Ltd.  
Six Adelaide St. E, Suite 300, Toronto, Ontario, CA M5C 1H6  
*State or country in which incorporated — British Virgin Islands*

RVP Investment Fund, LLC  
900 Haddon Ave., Suite 201, Collingswood, NJ 08108  
*State or country in which incorporated — Delaware limited liability  
company*

Rycore Bellaire MOB LLC  
16150 SW Upper Boones Ferry Rd., Portland, OR 97224  
*State or country in which incorporated — Delaware*

Secoya Partners LP  
2050 Hancock St., Suite B, San Diego, CA 92110  
*Partnership — Secoya Partners LLC*

SmartKem, Inc.  
Manchester Technology Center, Hexagon Tower, Delaunays Rd.,  
Blackley, Manchester M9 8GQ U.K.  
*State or country in which incorporated — Delaware*

SmartStop Self Storage REIT, Inc.  
10 Terrace Rd., Ladera Ranch, CA 92694  
*State or country in which incorporated — Maryland*

State Stox (NY) Inc.  
c/o Salomon, 99 Wall St., #180, New York, NY 10005  
*State or country in which incorporated — New York*

Zedge, Inc.  
1178 Broadway, 3rd Fl., #1450, New York, NY 10001  
*State or country in which incorporated — Delaware*



# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### PROVIDE ASPHALT PAVEMENT/DRAINAGE SYSTEM Pilgrim Psychiatric Center Brentwood, Suffolk County

Sealed bids for Project No. Q1786-C, comprising a separate contract for Construction Work. Provide Asphalt Pavement and Drainage System at Building 130, Pilgrim Psychiatric Center, 998 Crooked Hill Rd, West Brentwood (Suffolk County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, April 21, 2021 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$38,100).

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

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

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

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

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

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

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

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 315 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

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

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

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

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

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

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

**REHABILITATE  
DAM  
Oneida #8 Pond Dam #3  
Sangerfield, Oneida County**

Sealed bids for Project No. 45717-C, comprising a contract for Construction Work, Rehabilitate Dam, Oneida #8 Pond Dam #3, Sangerfield (Oneida County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Environmental Conservation - Division of Operations, until 2:00 p.m. on Wednesday, April 21, 2021 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$37,600 for C).

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

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

The substantial completion date for this project is 189 days after the Agreement is approved by the Comptroller.

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

- Project commenced design before January 1, 2020. Not subject to provision.
- Project commenced design on or after January 1, 2020. Subject to provision.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby

establishes an overall goal of 14% for MWBE participation, 7% for Minority-Owned Business Enterprises ("MBE") participation and 7% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

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

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

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

**PROVIDE  
MASONRY RESTORATION  
State Armory  
Buffalo, Erie County**

Sealed bids for Project No. 46051-C, comprising a contract for Construction Work, Provide Masonry Restoration, State Armory, 184 Connecticut Street, Buffalo (Erie County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, April 21st, 2021 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$36,900 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for

contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

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

- Project commenced design before January 1, 2020. Not subject to provision.
- Project commenced design on or after January 1, 2020. Subject to provision.

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

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 401 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

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

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

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

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

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

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

**PROVIDE**  
**RMHU SEWAGE PUMP STATION**  
Marcy Correctional Facility  
Marcy, Oneida County

Sealed bids for Project Nos. 46080-C and 46080-E, comprising separate contracts for Construction Work and Electrical Work, Provide RMHU Sewage Pump Station, Marcy Correctional Facility, 9000 Old River Road, Marcy (Oneida County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, April 21, 2021 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$45,900 for C, and \$6,700 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C, and between \$50,000 and \$100,000 for E.

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

The substantial completion date for this project is 310 days after the Agreement is approved by the Comptroller.

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

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

\_\_\_\_\_Project commenced design on or after January 1, 2020.  
Subject to provision.

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

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

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

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

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

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

# NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Housing Trust Fund Corporation  
Office of Community Renewal  
38-40 State St., 4th Fl. S  
Albany, NY 12207

	Minimum	Maximum
Towns, Cities and Villages:	\$100,000	\$500,000
Counties and New York City:	\$100,000	\$1,000,000
All Municipalities - Combined Activities:	\$100,000	\$2,000,000

## NON-ENTITLEMENT COMMUNITIES

### NYS Community Development Block Grant (CDBG) Funding for CDBG-CV (COVID-19 Response)

The Housing Trust Fund Corporation (HTFC) announces the availability of approximately \$60 million of Federal funds for the following programs:

- \$60 million - NYS Community Development Block Grant (CDBG) funding for CDBG-CV (COVID-19 Response)

#### NYS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM-CV

##### Program Description

The New York State Community Development Block Grant Program (NYS CDBG) is a federally funded program administered by the Housing Trust Fund Corporation's (HTFC) Office of Community Renewal (OCR). The CDBG-CV COVID 19 program will provide resources to non-entitlement communities and all entitlement jurisdictions to prevent, prepare for, and respond to COVID-19.

##### CDBG-Eligible Applicants

Eligible applicants include non-entitlement Villages, Towns, Cities or Counties throughout New York State, and all metropolitan cities and urban counties that are HUD designated Entitlement communities. HCR will make \$60 million available with no less than \$30 million to be awarded to non-entitlement communities. Additional funds may be made available in a subsequent funding round.

##### CDBG-CV General Activity Areas

An applicant may request funding for one or more activities. Applicants must document need and demand for proposed activities and present clear proposal for timely expenditure of funds.

- Supporting Small Business
  - o Examples: Point of sale improvements, new equipment or fixtures to guide social distancing, working capital to resume operations, etc.
- Improving Air Quality in Public Facilities
  - o Examples: Assist municipal public facilities, nursing homes, supportive and public housing developments and other critical institutions with reconfiguration and physical adjustments to comply with social distancing, reduced occupancy and other requirements.
- Environmental Improvements in Housing for Safe Shelter
  - o Examples: Lead remediation, rental and single-family homeowner repairs, reconfiguration of communal spaces, down payment assistance to increase homeownership and reduce density in housing, etc.
- Conversion of Underutilized Buildings for Affordable Housing
  - o Examples: Conversion of vacant and abandoned residential and commercial properties for housing and to better respond to COVID-19.
- Public Services
  - o Example: Vaccine Outreach and awareness, Support for mental health services, wi-fi connectivity for underserved communities.

##### 2020 CDBG-CV Funding Limits

These limits are provided as guidelines for expected award limits. Larger awards may be approved based on demonstrated need and capacity to complete proposed activities within 12-month term.

##### Application for Funding

The 2020 Application for CDBG-CV Activities will be available on the NYS CDBG Homes and Community Renewal web site on Wednesday, March 17th, 2021. Applications will be accepted on an open round basis with rolling awards until 4:00 pm Friday, August 27, 2021 or until funding has been exhausted. Applications must be submitted using the application form provided online and submitted to CDBGCARES@nyshcr.org.

The above-stated application deadline is firm as to date and hour. In the interest of fairness to all applicants, applications received after the specified date and time will be deemed ineligible and will not be considered for funding. Applicants should make early submission of their applications to avoid risks of ineligibility resulting from unanticipated delays or problems.

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using the provided email inbox. Requests for approval to submit a paper application must be sent to: Crystal Loffler, Deputy Commissioner, Homes and Community Renewal, Office of Community Renewal, Hampton Plaza, 38-40 State St., 4th Fl. S, Albany, NY 12207

*Contact Information: For inquiries or technical assistance regarding the NYS CDBG program, please contact:* Home and Community Renewal, Office of Community Renewal, 38-40 State St., 4th Fl. S, Albany, NY 12207, CDBGCARES@NYSHCR.ORG, <https://hcr.ny.gov/community-development-block-grant>, (518) 474-2057



# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

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

## PUBLIC NOTICE

Department of State

A virtual meeting of the NYS Appearance Enhancement Advisory Committee will be held on Monday, April 19, 2021, at 10:30 a.m. For WebEx conferencing information, please visit the Department of State's website at [www.dos.ny.gov](http://www.dos.ny.gov).

*Should you require further information, please contact:* Denise Tidings at [Denise.Tidings@dos.ny.gov](mailto:Denise.Tidings@dos.ny.gov) or 518-402-4921

## PUBLIC NOTICE

Department of State

F-2020-0909

Date of Issuance – April 7, 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 applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2020-0909, Terrance Talbot is proposing to remove an existing crib supported boathouse and construct a new boathouse. The newly proposed boathouse including exterior perimeter docks measures 36' long by 27' wide. The walls will be centered on 8' wide crib supported docks. The roof will be 12'8" above the Ordinary High Water level. The boathouse would be connected to shore by a 4' wide ramp. In addition, the applicant proposes to install a concrete seawall consisting of a 6' wide by 1' high base with a 3' high by 2' wide wall set on top of the base. This will be placed along ~80 linear feet of shoreline except for a 5' wide opening. The face of the new wall is proposed to be located ~4' 10" waterward of the present day Ordinary High Water line. Stone is proposed to be placed extending 6' waterward of the face of new wall. Finally, the applicant proposes to construct a new 38' by 4' crib dock located 20' west of the proposed boathouse.

The work is proposed at the at the applicant's property on the Saint Lawrence River located at 281 River Road East in the Town of Morristown, St. Lawrence County.

The stated purpose of the proposed activity is to "[m]itigate flooding and erosion which has seriously undermined shoreline and threatens my home."

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0909ForPN.pdf>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, May 7, 2021.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: [CR@dos.ny.gov](mailto: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-2020-1031

Date of Issuance – April 7, 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 applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-1031.pdf>

In F-2020-1031, or the "Shenorock Shore Club", the applicant – Richard LaCoursiere – proposes to construct an expansion of the existing docks by adding an additional 7 slips. The proposed slips are waterward of the existing and include one 8' wide by 90' long floating wave attenuator and one 6' wide by 60' long wave attenuator. The slips are proposed perpendicular to the wave attenuators. In addition, sixteen 12" timber piles and seven 4' wide by 30' long finger floating docks are proposed.

The purpose of the proposed project is "to allow members of Shenorock Shore Club improved access to waterfront activities such as sailing and power boating". The project is located at 475 Stuyvesant Avenue in the City of Rye, Westchester County on Milton Harbor.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing

their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, April 22, 2021.

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

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

## PUBLIC NOTICE

Department of State  
F-2020-1128

Date of Issuance – April 7, 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 applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2020-1128, The Shore & Country Club is proposing to perform maintenance dredging at the existing facility in Charles Creek, Norwalk Harbor, Norwalk, Connecticut, with subsequent confined open-water placement of up to 14, 970 cubic yards of dredged material at the Central Long Island Sound Disposal Site (CLDS). The CLDS is located within Long Island Sound, south of South End Point, East Haven, Connecticut and north of the Village of Shoreham, Town of Brookhaven, Suffolk County. The site boundary is a 2.4 square nautical mile rectangle centered at 41° 08.95' N and 72° 52.95' W (NAD 83).

Original copies of the 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. Electronic copies of the applicant's consistency certification and supporting information are available for review and download at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-1128S&CCCConsistencyCert>

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., 15/30 days from the date of publication of this notice, or, by Friday, May 7, 2021.

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

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

## PUBLIC NOTICE

Department of State  
F-2021-0007

Date of Issuance – April 7, 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 applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0007, The Town of Parma is proposing to install a sanitary sewer collection system and necessary components to deliver wastewater from individual residences to the interceptor in the Town of Parma which sends wastewater to the Northwest Quadrant Wastewater Treatment Plant in the Town of Greece. The project would include the installation of individual grinder pump stations, a lift sta-

tion, standby generator and ~37,000 linear feet of HDPE pipe. The project will also include the excavation of 20,600 cubic yards of material for pipe installation. This material will be used as backfill or appropriately disposed of. Directional drilling will be used to cross under Brush Creek at East Wautoma Beach road, East Creek at West Beach Road and West Creek at North Avenue. The project may also result in temporary wetland disturbance at Davison Beach Road.

The work is proposed along the following roadways in the Town of Parma, Monroe County: Hamlin Parma Town Line Road, E. Wautoma Beach road (Delavere Drive), West Beach road, North Avenue, Ferguson Drive, Lake Ontario State Parkway, Huffer Road, Davison Beach Road, Alder Beach Road, Ampor Beach, Lighthouse Road, Clearview Avenue, Lake Side Boulevard, Lighthouse Road and North Avenue (NY Route 259).

The stated purpose of the proposal is: “[t]o provide residents on the lakeshore of Parma New York with a public wastewater collection system. The area is currently served by on-site sewage disposal, due to flooding and high-water table and small lots the on-site systems pose a potential health risk and possible environmental impacts. High lake levels have caused flooding of the on-site systems rendering them ineffective.

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

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0007ForPN.pdf>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, April 22, 2021.

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

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

## PUBLIC NOTICE

Department of State  
F-2021-0019

Date of Issuance – April 7, 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 applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0019, 195 Investment, LLC is proposing to perform confined open-water placement of approximately 850 cubic yards (cy) of un-suitable dredged material at the Western Long Island Sound Disposal Site (CLDS – preferred) or the Central Long Island Sound Disposal Site (CLDS), with an undisclosed volume of cap to contain the un-suitable materials. The CLDS is located within Long Island Sound, south of South End Point, East Haven, Connecticut and north of the Village of Shoreham, Town of Brookhaven, Suffolk County. The site boundary is a 2.4 square nautical mile rectangle centered at

41° 08.95' N and 72° 52.95' W (NAD 83). The WLDS is located within Long Island Sound, south of Long Neck Point, Noroton, CT and north of the Village of Lloyd Harbor, Suffolk County, New York. The site boundary is a 2 square nautical miles square centered at 40° 59.50' N, 73° 28.95' W (NAD 83).

Original copies of the 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. Electronic copies of the applicant's consistency certification and supporting information are available for review and download at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0019-195InvestmentLLCConsCert.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, by Friday, May 7, 2021.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: [CR@dos.ny.gov](mailto: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-2021-0026

Date of Issuance – April 7, 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-2021-0026 the applicant, Town of Brookhaven Highway Department, is proposing to raise and reconstruct approximately 2,030 linear feet of Pipe Stave Hollow Road and approx. 515 linear feet of Harbor Beach Road; install 1,100 linear feet of revetment to provide shoreline stabilization and grade transition for the proposed road raising; install new stormwater management areas in the form of approx. 1,670 linear feet of planted drainage swales and new bio-retention areas; and install new flush concrete curb and decorative timber guiderails along the west side of road. This project is located along Pipe Stave Hollow Road, Town of Brookhaven, Suffolk County, Mt. Sinai Harbor.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0026PN.pdf>

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

- Mount Sinai Harbor Significant Fish and Wildlife Habitat:

[https://www.dos.ny.gov/opd/programs/consistency/Habitats/LongIsland/Mount\\_Sinai\\_Harbor.pdf](https://www.dos.ny.gov/opd/programs/consistency/Habitats/LongIsland/Mount_Sinai_Harbor.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 May 7, 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](mailto: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-2021-0043

Date of Issuance – April 7, 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 activity complies with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP).

In F-2021-0043, South Fork Wind, LLC (or Applicant) proposes to construct and operate an approximately 130-megawatt offshore wind energy project including associated structures and facilities in the Atlantic Ocean and Lake Montauk, Town of East Hampton, Suffolk County, New York (proposed activity).

The proposed activity is located in the Atlantic Ocean within federal waters on the outer continental shelf. The wind energy facility would develop the Bureau of Ocean Energy Management (BOEM) Renewable Energy Lease Area OCS-A 0517 (formerly part of OCS-A 0486) that is located approximately 35 miles east of Montauk Point, New York. The proposed activity consists of:

- Up to 15 wind turbine generators with a nameplate capacity of 6 to 12 MW per turbine and one (1) offshore substation. The total maximum footprint for the 16 monopile foundations would be approximately 14.6 acres.

- Interarray submarine electric cables connecting the turbines would be approximately 21.4 miles in length with a total maximum footprint of approximately 2.5 acres. Approximately two miles of inter-array cable would require cable protection totaling 10.2 acres, with an additional approximately 7.5 acres of protection at approaches to the turbine foundations; and

- One alternating current (AC) electric export cable buried in the seabed and underground that would extend approximately 61.4 miles (approximately 57.9 miles in federal waters and approximately 3.5 miles in New York State waters) from the offshore substation to the landfall at Beach Lane, Town of East Hampton. The proposed temporary seabed disturbance would be approximately 573 acres, with a total maximum footprint of 7.4 acres (0.4 acres in New York State waters). Additionally, approximately 7.9 acres of cable protection (0.2 acres in New York State waters) may be needed. The sea-to-shore transition would be constructed using Horizontal Directional Drilling (HDD) where the cable would exit the seabed through a temporary cofferdam located approximately 1,750 feet seaward of the plane of mean high water stabilized. Approximately 26,500 cubic yards would be dredged to excavate the cofferdam area and would later be backfilled with suitable material upon completion.

The proposed activity also includes a new Operations and Maintenance (O&M) facility that may be located in Montauk, New York or at Quonset Point in North Kingstown, Rhode Island. The O&M facility will be used to prepare and mobilize for offshore maintenance activities, monitor the wind farm, and/or access storage space for spare parts and other equipment to support maintenance activities. If the O&M facility is located in Montauk, it would be sited at the Inlet Seafood, LLC property off of East Lake Drive immediately east of the inlet that connects Lake Montauk to Block Island Sound and the Atlantic Ocean. An approximately 0.034-acre area of Lake Montauk would be dredged to a depth of -12.4 feet mean low water with an additional one foot of allowed overdredge. The initial dredging activity would yield approximately 2,500 cubic yards, with annual maintenance dredging of approximately 1,500 cubic yards to maintain that depth. Suitable dredged material would be beneficially reused at a beach nourishment site at the beach west of the Montauk Harbor entrance.

Other potential in-water work includes installing a 4 foot wide by

28 foot long ramp and a 16 foot wide by 100 foot long floating pontoon, supported by 5, 2-foot diameter steel piles. One mooring dolphin would be installed consisting of one (1) new two-foot diameter steel monopile with donut fendering and mooring ring. The piles would be installed with a vibratory hammer, or with an impact hammer if difficult driving conditions are encountered. The facility may also include constructing a new office space (up to 1,000 square feet), equipment storage space (up to 6,600 square feet), a stationary crane for equipment transfer, up to three (3) vessel berths for the crew transfer vessels, as well as accommodations for parking spaces, additional containers for equipment storage, and minor surface improvements.

The proposed activity includes project components in federal waters, in New York State waters, and on uplands of New York State. The consistency review pertains to aspects of the proposed activity with reasonably foreseeable effects on New York's coastal uses and resources. The proposed activity may be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Town of East Hampton Local Waterfront Revitalization Program: [https://docs.dos.ny.gov/opd-lwrp/LWRP/East%20Hampton\\_T/Index.html](https://docs.dos.ny.gov/opd-lwrp/LWRP/East%20Hampton_T/Index.html);

- East Hampton Scenic Areas of Statewide Significance: [https://www.dos.ny.gov/opd/programs/pdfs/SASS\\_Report20081229\\_All.pdf](https://www.dos.ny.gov/opd/programs/pdfs/SASS_Report20081229_All.pdf); and

- Coastal Erosion Hazard Area (CEHA): Natural Protective Feature Areas.

The applicant's consistency certification and accompanying public information and data are included in the Construction and Operations Plan, which is available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York. The project description, consistency certification, and coastal policy analysis are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0043\\_SFWFforPN.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0043_SFWFforPN.pdf).

The proposed activity is also the subject of an on-going coordinated Environmental Review, with BOEM acting as the lead federal agency. On October 18, 2018, BOEM published a Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS) based on the applicant's Construction and Operation Plan pursuant to the National Environmental Policy Act (NEPA). BOEM's DEIS was published on January 8, 2021 and is available for review at: <https://www.boem.gov/South-Fork/>

A portion of the proposed activity is the subject of a separate review by the New York State Public Service Commission (PSC) for an Article VII Certificate of Environmental Compatibility and Public Need, namely approximately 3.5 miles of submarine export cable from the New York State territorial waters boundary to the south shore of the Town of East Hampton and approximately 4.1 miles of terrestrial export cable from the south shore of the Town of East Hampton to the proposed interconnection facility (see Case 18-T-0604).

Any interested parties and/or agencies desiring to express their views concerning the proposed activity 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 May 7, 2021.

*Comments should reference the DOS File F-2021-0043 and 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. Electronic submissions can be made by email at [CR@dos.ny.gov](mailto:CR@dos.ny.gov), with the subject line: F-2021-0043.

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

## PUBLIC NOTICE

Department of State  
F-2021-0073

Date of Issuance – April 7, 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-2021-0073 the applicant, Town of Brookhaven Highway Department, is proposing to renourish approximately 2 miles of Tobay Beach by placing sand from the Fire Island Inlet dredging to create a berm at elevation 8.4 NAVD88. This project would place approx. 217,000 cubic yards of sand on the beach; approx. 28,000 cubic yards placed below Mean High Water and 189,000 cubic yards above Mean High Water. This project is located at Tobay Beach on Ocean Parkway, Town of Oyster Bay, Nassau County, Atlantic Ocean.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0073.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 May 7, 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](mailto: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-2021-0085

Date of Issuance – April 7, 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 applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0085, Town of Greenwich – Greenwich Point Park, LLC is proposing to dredge a volume including overdepth of approximately 20,560 cubic yards with subsequent confined open-water disposal of the dredged material at either the Western or Central Long Island Sound Disposal Sites (WLDS or CLDS), and capped with suitable material per requirements mandated by US Army Corps of Engineers, or otherwise have such capping requirements waived pending the results of a biological testing regimen. The applicant has not provided DOS with a capping plan, or the results of biological testing.

The CLDS is located within Long Island Sound, south of South End Point, East Haven, Connecticut and north of the Village of Shoreham, Town of Brookhaven, Suffolk County. The site boundary is a 2.4 square nautical mile rectangle centered at 41° 08.95' N and 72° 52.95' W (NAD 83). The WLDS is located within Long Island Sound, south of Long Neck Point, Noroton, CT and north of the Village of Lloyd Harbor, Suffolk County, New York. The site boundary is a 2 square nautical miles area centered at 40° 59.50' N, 73° 28.95' W (NAD 83).

Original copies of the 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. Electronic copies of the applicant's consistency certification and supporting information are available for review and download at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0085-GreenwichPtConsCert.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, by Friday, May 7, 2021.

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

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

**PUBLIC NOTICE**

Department of State  
F-2021-0101

Date of Issuance – April 7, 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 applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0101, Town of Guilford – Guilford Town Marina is proposing to dredge approximately 22,382 with subsequent unconfined open-water placement of the dredged material at the Central Long Island Sound Disposal Site (CLDS). The CLDS is located within Long Island Sound, south of South End Point, East Haven, Connecticut and north of the Village of Shoreham, Town of Brookhaven, Suffolk County. The site boundary is a 2.4 square nautical mile rectangle centered at 41° 08.95' N and 72° 52.95' W (NAD 83).

Original copies of the 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. Electronic copies of the applicant's consistency certification and supporting information are available for review and download at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0101-GuilfordTownMarinaConsCert.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, by Friday, May 7, 2021.

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

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

**PUBLIC NOTICE**

Department of State  
F-2021-0126

Date of Issuance – April 7, 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-2021-0126, Beverly Sinking is proposing the construction of

access stairs to a new 4' x 110' elevated fixed catwalk, 3' x 36' aluminum gangway, and a 6' x 20' float. Any disturbed and/or unvegetated areas within project vicinity are to be replanted upon project completion. Project is located at 25 Spring Hollow Road, Village of Nissequogue, Suffolk County, Stony Brook Harbor.

The applicant's consistency certification and supporting information are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/F-2021-0126\\_BEVERLY\\_SINKIN\\_app](http://www.dos.ny.gov/opd/programs/pdfs/F-2021-0126_BEVERLY_SINKIN_app)

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

- Village of Nissequogue Waterfront Revitalization Program
- Town of Smithtown Waterfront Revitalization Program

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 May 7, 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-2021-0139

Date of Issuance – April 7, 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 applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0139, Dutch Wharf Boatyard & Marina is proposing to dredge approximately 12,350 cubic yards of dredged material, with subsequent confined open-water disposal of the dredged material at either the Central Long Island Sound Disposal Sites (CLDS), and capped with suitable material per requirements mandated by US Army Corps of Engineers, or otherwise have such capping requirements waived pending the results of a biological testing regiment. The applicant has not provided DOS with a capping plan, or the results of biological testing.

The CLDS is located within Long Island Sound, south of South End Point, East Haven, Connecticut and north of the Village of Shoreham, Town of Brookhaven, Suffolk County. The site boundary is a 2.4 square nautical mile rectangle centered at 41° 08.95' N and 72° 52.95' W (NAD 83).

Original copies of the 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. Electronic copies of the applicant's consistency certification and supporting information are available for review and download at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0139-DutchWharfConsCert.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, by Friday, May 7, 2021.

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

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

**PUBLIC NOTICE**

Department of State  
F-2021-0149

Date of Issuance – April 7, 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-2021-0149, Ronnie Josef is proposing to install a new 4' x 235' pier, two boatlifts, and one jet ski lift. Add 3' x 25' ramp leading to two 10' x 20' floats. Removal of a 14' x 39' float and not replace. Project is located at 120 Bayport Lane, Village of Saddle Rock, Nassau County, Little Neck Bay.

The applicant's consistency certification and supporting information are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/F-2021-0149\\_120\\_Bayport\\_Ln\\_app](http://www.dos.ny.gov/opd/programs/pdfs/F-2021-0149_120_Bayport_Ln_app)

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 May 7, 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](mailto: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-2021-0160

Date of Issuance – April 7, 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 applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0208, NYS Office of General Services (OGS) REDI Dredge Irondequoit proposes to dredge up to approximately 11,400 cubic yards (CY) of material within the dredge limits, which encompasses 5.49 acres. Dredged material will be placed within a 36-acre nearshore placement area east of the navigation channel.

Town of Irondequoit, Monroe County, Irondequoit Bay/Lake Ontario

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0160ConsistCert.pdf>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or April 22, 2021.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Office of Planning, Development & Community

Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: [CR@dos.ny.gov](mailto: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-2021-0199

Date of Issuance – April 7, 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-2021-0199, Robert Braun proposes to armor the perimeter of Inspiration Point in Webster, NY with approximately 250CY of riprap stone armor below OHW along 360 lineal feet of bank. Willow cuttings will be installed along the shoreline directly above the stone. Additionally, a 3,000 square foot area at the base of the bluff will be raised with imported fill to provide a usable area during highwater. The imported fill and armor stone will be placed above OHW. Also, the installation of recreational covered boat dock consisting of a 4'x70' main floating dock with 4' x 12' and 4' x 28' finger floating docks. The site is located on Irondequoit Bay at 211 Inspiration Point Road, Webster, NY 14585, Monroe County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0199Braun.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 May 7, 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](mailto: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-2021-0200

Date of Issuance – April 7, 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-2021-0200, NYC Parks proposes to raise the elevation of the tidal wetland by placing a thin layer of clean sand on the marsh surface. The clean sand and substrate will then be planted with native

marsh vegetation. Project is located at bounded by Hook Creek Park (north and west), Hook Creek (south), and Huxley Street (east), Rosedale, Queens County, Hook Creek.

The applicant's consistency certification and supporting information are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/F-2021-0200\\_NYC\\_Parks\\_Hook\\_Creek\\_app](http://www.dos.ny.gov/opd/programs/pdfs/F-2021-0200_NYC_Parks_Hook_Creek_app)

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

- New York City Waterfront Revitalization Program: <https://waterfrontnavigator.nyc/agency-contacts-information/nyc-dcp/>;

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 May 7, 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](mailto: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-2021-0208

Date of Issuance – April 7, 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 applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0208, Flo Goldstein proposes to construct a 15' x 4' fixed open-grate catwalk and 9.2' x 4' timber stairs constructed parallel to existing bulkhead. A mooring proposed at -2.5' MLW at 5 Windmere Close, Hampton Bays, NY.

Town of Southampton, Suffolk County, Wells Creek

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0208ConsistCert.pdf>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or April 22, 2021.

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

2021-0080 Matter of Olcott Yacht Club located at 1535 Water Street, Town of Newfane (County of Niagara), NY, for a variance concerning sprinkler system requirements. (Board Variance)

**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.

2021-0120 Matter of Denise Iorio, Three Stark Drive, Center Moriches, NY 11934, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 31 Bayou Court, Holtsville, Town of Brookhaven, NY 11742, County of Suffolk, State of New York.

2021-0126 Matter of Brookhaven Expeditors, Andrew Malguarnera, 713 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the required ceiling height. Involved is an existing one-family dwelling located at 465 Auburn Street, Shirley, Town of Brookhaven, NY 11967, County of Suffolk, State of New York.

**PUBLIC NOTICE**

Department of State

Uniform Code Variance/Appeal Petitions

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

2021-0128 Matter of Darien Wedding Venue Event Space located at 388 Broadway, Town of Darien (County of Genesee), NY, for a variance concerning sprinklers and mezzanine area limit requirements. (Board Variance)

**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.

2021-0137 Matter of Christina Fry, Esq., Seven Pine Ridge Drive, Smithtown, NY 11787, for a variance concerning safety requirements, including the required ceiling height and the required height under a girder/soffit. Involved is an existing one-family dwelling located at 583 Mckinley Terrace, Centerport, Town of Huntington, NY 11721, County of Suffolk, State of New York.

2021-0138 Matter of Old World Quality Corp., Vincent Muldoon,

136 Cherry Valley Avenue, West Hempstead, NY 11552, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at Six Kingsbury Road, Village of Garden City, NY 11530, County of Nassau, State of New York.

### PUBLIC NOTICE

#### Department of State Uniform Code Variance/Appeal Petitions

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

2021-0142 Matter of On Time Expediting, Angela Cowie, 11 Royal Lane, Northport, NY 11768, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at Three Carrington Drive, East Northport, Town Of Huntington, NY 11731, County of Suffolk, State of New York.

2021-0143 Matter of Tahir Qureshi, PE, 27 Casey Lane, Mount Sinai, NY 11766, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 23 Estate Terrace, Manhasset, Village of North Hills, NY 11030, County of Nassau, State of New York.

2021-0144 Matter of North Shore Arch. & Interiors, Norman Nemec AIA, 41 Onderdonk Avenue, Manhasset, NY 11030, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 57 Andrew Street, Manhasset, Town of North Hempstead, NY 11030, County of Nassau, State of New York.

2021-0145 Matter of Nassau Expeditors Inc., Scott Tirone, 75 Albertson Avenue, Albertson, NY 11507, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 2153 Dogwood Lane, Westbury, Town of Hempstead, NY 11590, County of Nassau, State of New York.

2021-0146 Matter of Nassau Expeditors Inc., Scott Tirone, 75 Albertson Avenue, Albertson, NY 11507, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 618 Lakeville Road, New Hyde Park, Town of North Hempstead, NY 11040, County of Nassau, State of New York.

### PUBLIC NOTICE

#### Department of State Uniform Code Variance/Appeal Petitions

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

2021-0152 Matter of St Andrew RC Church Comfort Care Home located at 17 Gierlach, Village of Sloan (County of Erie), NY, for a variance concerning sprinkler system requirements. (Board Variance)

### PUBLIC NOTICE

#### Susquehanna River Basin Commission

Actions Taken at March 12, 2021, Meeting

SUMMARY: As part of its regular business meeting held on March

12, 2021, from Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: March 12, 2021.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238-0423, ext. 1312, fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) ratification/approval of contracts/grants; (2) requested approval to release a proposed rulemaking for public comment; (3) adopted a resolution designating the Executive Director as an authorized agent regarding a grant with PEMA; and (4) Regulatory Program projects.

Project Applications Approved:

1. Project Sponsor and Facility: Hastings Municipal Authority, Elder Township, Cambria County, Pa. Application for groundwater withdrawal of up to 0.260 mgd (30-day average) from Mine Spring Well 1.

2. Project Sponsor and Facility: Montgomery Water Authority, Clinton Township, Lycoming County, Pa. Application for renewal of groundwater withdrawal of up to 0.220 mgd (30-day average) from Well 3 (Docket No. 19910705).

3. Project Sponsor and Facility: Renovo Energy Center LLC, Renovo Borough, Clinton County, Pa. Modification to extend the project commencement date of the approval (Docket No. 20160608).

4. Project Sponsor and Facility: Village of Sidney, Town of Sidney, Delaware County, N.Y. Modification to extend the approval term of the groundwater withdrawal approval (Docket No. 19860201) to provide time for development of a replacement source for existing Well 2 88.

5. Project Sponsor: SUEZ Water Pennsylvania Inc. Project Facility: Dallas Operation, Dallas Township, Luzerne County, Pa. Application for renewal of groundwater withdrawal of up to 0.168 mgd (30-day average) from the Schooley Well (Docket No. 19881103).

6. Project Sponsor and Facility: Upstate Niagara Cooperative, Inc., Town of Campbell, Steuben County, N.Y. Applications for groundwater withdrawals (30 day averages) of up to 0.510 mgd from Well 1 and renewal of up to 1.100 mgd from Well 4 (Docket No. 19950904).

Commission Initiated Project Approval Modification

7. Project Sponsor and Facility: Empire Kosher Poultry, Inc., Walker Township, Juniata County, Pa. Conforming the grandfathered amount with the forthcoming determination for consumptive use of up to 0.049 mgd (30-day average) (Docket No. 20030809).

Project Applications Tabled

8. Project Sponsor and Facility: Beech Resources, LLC (Lycoming Creek), Lycoming Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.500 mgd (peak day).

9. Project Sponsor and Facility: Geneva Farm Golf Course, Inc., Dublin District, Harford County, Md. Application for renewal of consumptive use of up to 0.099 mgd (30 day average) (Docket No. 19910104).

10. Project Sponsor and Facility: Greenfield Township Municipal Authority, Greenfield Township, Blair County, Pa. Application for groundwater withdrawal of up to 0.499 mgd (30-day average) from Well PW-4.

11. Project Sponsor: Weaverland Valley Authority. Project Facility: Blue Ball Water System, East Earl Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Well 4.

AUTHORITY: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: March 15, 2021

Jason E. Oyler  
General Counsel and Secretary to the Commission

## PUBLIC NOTICE

### Susquehanna River Basin Commission

#### Grandfathering (GF) Registration Notice

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: February 1-28, 2021.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR part 806, Subpart E:

1. Blossburg Municipal Authority – Public Water Supply System, GF Certificate No. GF-202102155, Bloss Township, Tioga County, Pa.; Bellman Run; Issue Date: February 23, 2021.

2. Elizabethville Area Authority – Public Water Supply System, GF Certificate No. GF-202102156, Washington Township, Dauphin County, Pa.; Lentz and Loyaltown Wells; Issue Date: February 23, 2021.

Dated: March 15, 2021

Jason E. Oyler, General Counsel and Secretary to the Commission.

## PUBLIC NOTICE

### Susquehanna River Basin Commission

#### Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: January 1-31, 2021

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(e) and 18 CFR § 806.22(f) for the time period specified above:

Water Source Approval – Issued Under 18 CFR 806.22(f):

1. Frontier Natural Resources, Inc.; Pad ID: Winner 6 Well Pad; ABR-201110026.R1; East Keating Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 8, 2021.

2. Pin Oak Energy Partners, LLC; Pad ID: Wolfinger Pad A - Beechwood; ABR-202101002; St. Mary's City, Elk County; and Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 8, 2021.

3. Cabot Oil & Gas Corporation; Pad ID: MerrittM P1; ABR-202101001; Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 18, 2021.

4. Seneca Resources Company, LLC; Pad ID: Gamble Pad I; ABR-201511002.R1; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 18, 2021.

5. Seneca Resources Company, LLC; Pad ID: Seymour 599; ABR-201009063.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 18, 2021.

6. Seneca Resources Company, LLC; Pad ID: Martin 710; ABR-201009089.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 18, 2021.

7. Seneca Resources Company, LLC; Pad ID: SSHC Pad A; ABR-201009055.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 18, 2021.

8. Rockdale Marcellus, LLC; Pad ID: Ingalls 710; ABR-201009080.R2; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: January 18, 2021.

9. Cabot Oil & Gas Corporation; Pad ID: DerianchoF P1; ABR-201011055.R2; Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 18, 2021.

10. XTO Energy, Inc.; Pad ID: PA TRACT 8546H; ABR-201010070.R2; Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

11. Seneca Resources Company, LLC; Pad ID: Thomas 503; ABR-201007050.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

12. Chief Oil & Gas, LLC; Pad ID: Dacheux Drilling Pad #1; ABR-201101014.R2; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 22, 2021.

13. Seneca Resources Company, LLC; Pad ID: Smith 589; ABR-201009088.R2; Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

14. ARD Operating, LLC; Pad ID: Harry W Stryker Pad A; ABR-201011044.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

15. Cabot Oil & Gas Corporation; Pad ID: Ely P2; ABR-20080722.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 22, 2021.

16. Repsol Oil & Gas USA, LLC; Pad ID: WHEATON (05 223) W; ABR-201011072.R2; Windham Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 22, 2021.

17. Repsol Oil & Gas USA, LLC; Pad ID: PECK HILL FARM (05 180); ABR-201011056.R2; Windham Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 22, 2021.

18. Seneca Resources Company, LLC; Pad ID: Shaw Trust 500; ABR-201011070.R2; Sullivan Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

19. Seneca Resources Company, LLC; Pad ID: Signor 583; ABR-201011059.R2; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

20. Seneca Resources Company, LLC; Pad ID: Torpy & Van Order Inc. 574; ABR-201011043.R2; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2021.

21. Range Resources - Appalachia, LLC; Pad ID: Red Bend Hunting & Fishing Club Unit #3H - #5H Drilling Pad; ABR-201011067.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 22, 2021.

22. Seneca Resources Company, LLC; Pad ID: Brewer 258; ABR-201012013.R2; Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 24, 2021.

23. Range Resources - Appalachia, LLC; Pad ID: Fuller, Eugene Unit #1H - #3H Drilling Pad; ABR-201012004.R2; Mifflin Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 24, 2021.

24. VEC Energy, LLC; Pad ID: Sylvester 1H; ABR-20100155.R1; Brookfield Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 28, 2021.

25. VEC Energy, LLC; Pad ID: NorthFork 1H; ABR-20100158.R1; Brookfield Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 28, 2021.

26. VEC Energy, LLC; Pad ID: Austinburg 1H; ABR-20100313.R1;

Brookfield Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 28, 2021.

27. Pennsylvania General Energy Company, L.L.C.; Pad ID: Reed Run Norwich Pad D; ABR-201012028.R2; Norwich Township, McKean County, Pa.; Consumptive Use of Up to 3.5000 mgd; Approval Date: January 29, 2021.

28. Chesapeake Appalachia, L.L.C.; Pad ID: Kinnarney; ABR-201012030.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 29, 2021.

29. Chesapeake Appalachia, L.L.C.; Pad ID: Norconk; ABR-201012023.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 29, 2021.

30. XPR Resources, LLC; Pad ID: Resource Recovery Well Pad 3; ABR-201010060.R2; Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2021.

31. XPR Resources, LLC; Pad ID: Resource Recovery Well Pad 2; ABR-201011012.R2; Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2021.

32. Repsol Oil & Gas USA, LLC; Pad ID: SLOVAK (05 202) M; ABR-201012031.R2; Windham Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 29, 2021.

33. Seneca Resources Company, LLC; Pad ID: Vanvliet 614; ABR-201012044.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2021.

34. Seneca Resources Company, LLC; Pad ID: Swingle 591; ABR-201012018.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 29, 2021.

35. Cabot Oil & Gas Corporation; Pad ID: AbbottD P2; ABR-201512003.R1; Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 29, 2021.

36. Cabot Oil & Gas Corporation; Pad ID: HowellG P1; ABR-201512004.R1; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 29, 2021.

37. Cabot Oil & Gas Corporation; Pad ID: Jeffers Farm P5; ABR-201512005.R1; Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 29, 2021.

38. Seneca Resources Company, LLC; Pad ID: Harsell 883; ABR-201007066.R2; Nelson Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 31, 2021.

39. Range Resources - Appalachia, LLC; Pad ID: Lone Walnut Hunting Club; ABR-201007031.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 31, 2021.

40. Range Resources - Appalachia, LLC; Pad ID: Winner Unit #2H - #5H Drilling Pad; ABR-201012050.R2; Gallagher Township, Clinton County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 31, 2021.

41. Chesapeake Appalachia, L.L.C.; Pad ID: Aukema; ABR-201101013.R2; Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

42. Chesapeake Appalachia, L.L.C.; Pad ID: Beech Flats; ABR-201101012.R2; West Branch Township, Potter County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

43. Chesapeake Appalachia, L.L.C.; Pad ID: Bo; ABR-201101016.R2; Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

44. Chesapeake Appalachia, L.L.C.; Pad ID: Meng; ABR-201101005.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

45. Chesapeake Appalachia, L.L.C.; Pad ID: Rocks; ABR-201101003.R2; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

46. Chesapeake Appalachia, L.L.C.; Pad ID: Struble; ABR-

201101017.R2; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

47. Chesapeake Appalachia, L.L.C.; Pad ID: WasyI; ABR-201101002.R2; Ulster Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 31, 2021.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: March 15, 2021

Jason E. Oyler,

General Counsel and Secretary to the Commission.

## PUBLIC NOTICE

### Susquehanna River Basin Commission

Projects Approved for Consumptive Uses of Water

**SUMMARY:** This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

**DATES:** February 1-28, 2021

**ADDRESSES:** Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

**SUPPLEMENTARY INFORMATION:** This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(e) and 18 CFR § 806.22(f) for the time period specified above:

Water Source Approval – Issued Under 18 CFR 806.22(f):

1. SWN Production Company, LLC; Pad ID: RU-75-SGL A PAD; ABR-202102001; Great Bend and New Milford Townships, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 18, 2021.

2. Seneca Resources Company, LLC; Pad ID: Gee 848W; ABR-201508005.R1; Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 18, 2021.

3. Seneca Resources Company, LLC; Pad ID: DCNR 100 Pad C; ABR-201102007.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 18, 2021.

4. Chesapeake Appalachia, L.L.C.; Pad ID: VRGC; ABR-201101022.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 18, 2021.

5. Repsol Oil & Gas USA, LLC; Pad ID: MILLER (05 056) F; ABR-201010008.R2; Warren Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 18, 2021.

6. Chesapeake Appalachia, L.L.C.; Pad ID: Walker; ABR-201101030.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 18, 2021.

7. Chesapeake Appalachia, L.L.C.; Pad ID: Cuthbertson; ABR-201102001.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 18, 2021.

8. Chesapeake Appalachia, L.L.C.; Pad ID: Jokah; ABR-201102005.R2; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 18, 2021.

9. Rockdale Marcellus, LLC; Pad ID: Groff 720; ABR-201012017.R2; Canton Township, Bradford County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 18, 2021.

10. Repsol Oil & Gas USA, LLC; Pad ID: UHOUSE (05 081) D; ABR-201102008.R2; Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 18, 2021.

11. SWN Production Company, LLC; Pad ID: TI-22 Fall Creek A - Pad; ABR-201511008.R1; Liberty Township, Tioga County, Pa.;

Consumptive Use of Up to 4.9990 mgd; Approval Date: February 18, 2021.

12. SWN Production Company, LLC; Pad ID: WY 09 OTTEN PAD; ABR-201512002.R1; Forkston Township, Wyoming County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 22, 2021.

13. SWN Production Company, LLC; Pad ID: PU-AA Gerfin Price Pad; ABR-201102022.R2; Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 22, 2021.

14. SWN Production Company, LLC; Pad ID: RU-74 TRETTER PAD; ABR-201601005.R2; Great Bend Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 22, 2021.

15. S.T.L. Resources, LLC; Pad ID: Sturgis South; ABR-202002004; Grugan and Gallagher Townships, Clinton County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 24, 2021.

16. Chesapeake Appalachia, L.L.C.; Pad ID: Herr; ABR-201102026.R2; Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 24, 2021.

17. Diversified Production, LLC; Pad ID: Longhorn C-1 (WDV1); ABR-201011061.R2; Jay Township, Elk County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: February 24, 2021.

18. SWN Production Company, LLC; Pad ID: Longacre Pad; ABR-201101029.R2; Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 24, 2021.

19. Repsol Oil & Gas USA, LLC; Pad ID: Red Tailed Hawk; ABR-201011027.R2; Covington Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 25, 2021.

20. Chesapeake Appalachia, L.L.C.; Pad ID: DJ; ABR-201101021.R2; Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 25, 2021.

21. Chesapeake Appalachia, L.L.C.; Pad ID: Corl; ABR-201102011.R2; Colley Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 25, 2021.

22. Chesapeake Appalachia, L.L.C.; Pad ID: Harnish; ABR-201102006.R2; Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 25, 2021.

23. Chesapeake Appalachia, L.L.C.; Pad ID: Bustin Homestead; ABR-201101025.R2; Sheshequin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 25, 2021.

24. Chesapeake Appalachia, L.L.C.; Pad ID: Beeman; ABR-201101028.R2; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 26, 2021.

25. Repsol Oil & Gas USA, LLC; Pad ID: PECK HILL FARM (05 178); ABR-201101019.R2; Windham Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 26, 2021.

26. Chief Oil & Gas, LLC; Pad ID: Garrison Drilling Pad #1; ABR-201102032.R2; Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: February 26, 2021.

27. Seneca Resources Company, LLC; Pad ID: Stanley 1106; ABR-201102015.R2; Osceola Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 26, 2021.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: March 15, 2021

Jason E. Oyler,

General Counsel and Secretary to the Commission.

