
NEW YORK STATE

REGISTER

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

For notices published in this issue:

- the 60-day period expires on January 3, 2021
- the 45-day period expires on December 19, 2020
- the 30-day period expires on December 4, 2020

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NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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RULE MAKING ACTIVITIES

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

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

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

Office of Alcoholism and Substance Abuse Services

REVISED RULE MAKING NO HEARING(S) SCHEDULED

General Service Standards for Substance Use Disorder Outpatient Programs

I.D. No. ASA-19-20-00001-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 822 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 19.07(c), (e), 19.09(b), 19.16, 19.21(b), (d), 19.40, 32.01, 32.05(b), 32.07(a), 32.09(b), 22.07(c); Penal Law, section 220.78; Public Health Law, sections 3309, 2781; 42 CFR part 8

Subject: General service standards for substance use disorder outpatient programs.

Purpose: Identify regulatory requirements for outpatient and opioid treatment programs.

Substance of revised rule (Full text is posted at the following State website: www.oasas.ny.gov): The revised proposed rule amends Part 822 as follows:

§ 822.2 Legal base. Terminology updated consistent with regulatory amendments.

§ 822.5 Definitions. Terminology updated consistent with regulatory amendments. Technical corrections. References to permissible preadmission services removed. Definitions amended consistent with public comment response.

§ 822.7 General program standards. Technical corrections. Amend-

ments consistent with public comment response. OTPs may exclude patients maintained on buprenorphine and significant others from certified capacity.

§ 822.8 Patient/records/treatment planning. Clarification and technical corrections. Amendments consistent with public comment response. Removal of repetitive text. Clarification of OTP requirements and HIV testing requirements consistent with public health law.

§ 822.9 Additional locations. Technical correction.

§ 822.11 Additional requirements for opioid treatment programs. Technical correction. Clarification on OTP requirements regarding spit dosing and medical director approval of take-home medication.

Revised rule compared with proposed rule: Substantive revisions were made in sections 822.5, 822.7, 822.8, 822.10 and 822.11.

Text of revised proposed rule and any required statements and analyses may be obtained from Carmelita Cruz, NYS OASAS, 1450 Western Avenue, Albany, NY 12208, (518) 485-2312, email: carmelita.cruz@oasas.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:

(a) Section 19.07(c) of the Mental Hygiene Law (MHL) charges the Office with the responsibility to ensure that persons who have a substance use disorder and their families are provided with care and treatment that is effective and of high quality.

(b) Section 19.07(e) of the MHL authorizes the commissioner to adopt standards including necessary rules and regulations pertaining to substance use disorder treatment services.

(c) Section 19.09(b) of the MHL authorizes the commissioner to adopt regulations necessary and proper to implement any matter under their jurisdiction.

(d) Section 19.16 of the MHL requires the commissioner to establish and maintain, either directly or through contract, a central registry for purposes of preventing multiple enrollments in opioid treatment programs and provides medication dosage information during an emergency, when displaced patients may seek such treatment from an alternate program.

(e) Section 19.21(b) of the MHL requires the commissioner to establish and enforce regulations concerning the licensing, certification, and inspection of substance use disorder treatment services.

(f) Section 19.21(d) of the MHL requires the Office to establish reasonable performance standards for providers of services certified by the Office.

(g) Section 19.40 of the MHL authorizes the commissioner to issue operating certificates for the provision of substance use disorder treatment services.

(h) Section 22.07(c) of the Mental Hygiene Law authorizes the commissioner to promulgate rules and regulations to ensure that the rights of individuals who have received, and are receiving, substance use disorder services are protected.

(i) Section 32.01 of the MHL authorizes the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the MHL.

(j) Section 32.05(b) of the MHL provides that a controlled substance designated by the commissioner of the New York State Department of Health (DOH) as appropriate for such use may be used by a prescribing professional to treat an individual with a substance use disorder pursuant to section 32.09(b) of the MHL.

(k) Section 32.07(a) of the MHL authorizes the commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the MHL.

(l) Section 32.09(b) of the MHL provides that the commissioner may, once a controlled substance is approved by the commissioner of DOH as appropriate for such use, authorize the use of such controlled substance in treating an individual with a substance use disorder.

(m) Section 220.78 of the Penal Law affords limited protections from prosecution for persons seeking medical attention for accidental overdose.

(n) Section 3309 of the Public Health Law authorizes the DOH to establish standards for approval of any opioid overdose prevention program.

(o) Section 2781 of the Public Health Law defines the rules governing HIV testing in New York.

(p) 42 CFR Part 8 relates to the federal oversight and regulation of medication assisted treatment for opioid use disorders.

2. **Legislative Objectives:** The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction treatment services and the certification of providers. OASAS regulations set forth the minimum regulatory requirements and expectations of certified substance use disorder treatment programs. Publication in the State Register provides an opportunity for the public to comment on the proposed amendments to the rules. The Revised Rulemaking process allows state oversight agencies to make changes consistent with and in response to public comment.

3. **Needs and Benefits:** As the OASAS system transitions to treating addiction as a chronic condition, regulatory language and program expectations will be updated to align with the standard of care for treatment of substance use disorder. The amendments herein to treatment/recovery planning conform with the treatment of substance use disorder as a chronic condition and streamline the process for development and updating of a treatment/recovery plan. Clarifying language is added for opioid treatment programs on the provision of take-home medication and professional staff waivers consistent with federal law. This revised rulemaking makes key amendments for clarity, consistency and to ensure outpatient program services are delivered consistent with OASAS intent. The revised amendments make considerable changes to the operation of opioid treatment programs that will ensure the delivery of opioid use disorder treatment consistent with federal rules.

4. **Costs:** No additional administrative costs to the agency are anticipated.

5. **Paperwork:** There is no additional paperwork beyond what is already required. Amendments are intended to reduce burdensome and unnecessary paperwork.

6. **Local Government Mandates:** There are no new local government mandates.

7. **Duplications:** This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. **Alternatives:** The alternative is to not continue with the mission of amending and updating regulations for certified programs as the OASAS system aligns treatment for substance use disorder with that of other chronic medical conditions. Additionally, the revised amendments make key changes necessary for the operation and delivery of services from opioid treatment programs consistent with federal rules and not moving forward will result in a state regulation that is inconsistent with federal regulations governing these programs.

9. **Federal Standards:** This regulation does not conflict with federal standards.

10. **Compliance Schedule:** This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

Revised Regulatory Flexibility Analysis

OASAS has determined that the revised rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because there are no new or additional requirements for professional staff employed in these programs.

Revised Rural Area Flexibility Analysis

OASAS has determined that the revised rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the changes do not alter the services that will be delivered by the professional staff employed in these programs.

Revised Job Impact Statement

OASAS is not submitting a Job Impact Statement for this revised rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the requirements for service delivery do alter responsibilities of the professional staff employed by these programs.

Assessment of Public Comment

1. Providers requested clarification on service descriptions and limitations.

Response: OASAS has modified service descriptions to be consistent with the Ambulatory Patient Group (APG) Clinical and Medicaid Billing Guidance manual posted on the OASAS website.

2. Providers requested clarification on what should be included in the admission documentation, what practitioners must sign admission decisions and timeframes for obtaining appropriate signatures.

Response: OASAS has made edits for clarity. OASAS will issue clinical guidance and provide a series of statewide trainings to ensure that providers are equipped to implement changes consistent with regulatory requirements.

3. OASAS received request to modify the assessment process for certain justice and or child welfare involved individual patients to allow expanded access to patient treatment record.

Response: OASAS patient records may be shared provided the patient consents, consistent with state and federal confidentiality laws and regulations.

4. OASAS received questions regarding what information needed to be included in the treatment plan, the timeframe for completion, and mandates on specific formats.

Response: There is no mandated treatment plan form in NYS. OASAS will issue clinical guidance and provide a series of statewide trainings to ensure that providers are equipped to implement changes consistent with regulatory requirements. OASAS has made edits for clarity.

5. OASAS received questions regarding what information needed to be included in each progress note and how often a progress note needs to be developed.

Response: OASAS will issue clinical guidance and provide a series of statewide trainings to ensure that providers are equipped to implement changes consistent with regulatory requirements. OASAS has made edits for clarity.

6. OASAS has received questions regarding appropriate supervision and documentation.

Response: OASAS will issue clinical guidance and provide a series of statewide trainings to ensure that providers are equipped to implement changes consistent with regulatory requirements. OASAS has made edits for clarity.

7. OASAS has received questions regarding duplicative and contradictory requirements for transfer and other provision.

Response: OASAS has removed duplicative and inconsistent language.

8. OASAS has received requests regarding timeframes and documentation for transfers and discharges, including development of a discharge or level of care transition summary.

Response: OASAS will issue clinical guidance and provide a series of statewide trainings to ensure that providers are equipped to implement changes consistent with regulatory requirements.

9. Providers requested clarification on which patients are appropriate for opioid overdose prevention education and medication upon discharge.

Response: Given the prevalence of illicit fentanyl and fentanyl analogues in the drug supply, all patients, regardless of SUD diagnosis, should be educated on opioid overdose prevention and provided with naloxone upon discharge. Some exceptions may be made on the provision of naloxone using clinical judgment (eg., patients with only alcohol use), and documented in the clinical record.

10. What is the time frame for completing a medical assessment upon admission (it was prior to the development of the treatment plan)?

Response: The regulations already specify when a medical assessment must be completed in Opioid Treatment Programs (OTPs). For non-OTP programs, guidance will be issued as to when a medical assessment should be completed, depending on various clinical considerations (eg., starting medications).

11. Providers requested regulatory flexibility to allow a Licensed Practical Nurse (LPN) to complete a medical assessment.

Response: An LPNs scope of practice does not include the ability to complete an assessment.

12. Providers requested clarification on whether the communicable disease screen prior to admission was eliminated.

Response: This screening requirement was removed in an earlier amendment to the regulation. Providers shall comply with the offered testing requirements indicated in the regulation, which may be completed prior to admission.

13. OASAS requested clarification on whether the referring provider discuss lab results with the patient.

Response: OASAS provided edits to clarify that the referring provider is not required.

14. OASAS received a request for an appropriate list of mental health screening tools.

Response: OASAS will post a list of appropriate tools as well as guidance about mental health screening on the website.

15. OASAS received requests to specify that the standard of care for Opioid Use Disorder, including for pregnant women, is medication assisted treatment.

Response: OASAS has already released guidance that the medical standard of care for opioid use disorder is medication assisted treatment, including for pregnant women, which is available on the website. OASAS will continue to refine and issue guidance on this and related subjects.

16. Providers have objected to the elimination of their ability to deny

admission to patients using illicit or prescribed medications, including benzodiazepines.

Response: OASAS requires all outpatient programs to admit and treat a patient that meets level of care criteria regardless of their use of illicit substances or prescribed medications.

17. Providers have requested additional guidance on clinical use of toxicology testing.

Response: OASAS will develop guidance specific to toxicology testing.

18. Opioid treatment programs (OTPs) have requested clarification on the ability to deliver intensive outpatient and outpatient rehabilitation services.

Response: OASAS regulation does not prohibit OTPs from providing such services.

19. OTPs have requested clarification that patients maintained on buprenorphine not be counted toward their certified capacity limit.

Response: OASAS regulation has been amended to clarify that patients maintained on buprenorphine shall not be counted toward an OTP's certified capacity.

20. OTPs have requested clarification on the appropriate nursing staff present during medication dispensing.

Response: OASAS has removed previous edits to this section of the regulation and will issue additional guidance on this issue.

21. OASAS received requests for clarification on physical examination requirements in OTPs.

Response: OASAS has provided clarification of the state and federal expectations for physical exams in OTPs.

22. OTPs have requested clarification on various aspects of program operation including on buprenorphine admission, split dosing, temporary to permanent conditions, and authority for other federal waiver approved practitioners.

Response: OASAS has made amendments consistent with federal rules and the medical standard for care. Additional information will also be made available in medical guidance to be issued by the Office.

23. OTPs have requested ability to provide continuing care services.

Response: Patients receiving OTP services are not appropriate for continuing care as defined in Part 822. In those circumstances where a patient admitted to an OTP does not require services within a 60 day period, the regulation allows for continued service delivery provided justification is documented in the patient record.

24. Providers have requested information on the process for implementation, availability of training, a site review instrument, model case records as well as inter-and intra-agency education.

Response: OASAS will provide a series of training and technical assistance opportunities prior to implementation of regulatory changes, both for the provider community and for state agency staff.

25. Providers have requested inclusion of associated risks of overdose in the event of an opioid taper.

Response: OASAS will address this issue in guidance.

26. Providers have requested OASAS regulation be modified to allow for verbal consent to share patient records.

Response: This request is not permissible under federal regulation.

27. Providers have requested clarification on the length of time for records retention pursuant to Medicaid rules.

Response: The regulation utilizes the NYS Medicaid standard for records retention.

28. Providers have asked if these outpatient regulations apply to services delivered to youth.

Response: Services delivered in outpatient settings must be done in accordance with Part 822.

Statutory authority: Executive Law, section 243(1); Criminal Procedure Law, art. 722; Family Court Act, art. 3

Subject: Preliminary Procedure for Article 3 JD Intake, retitled to Probation Services for Article 3 Juvenile Delinquency (JD).

Purpose: Update existing Rule to reflect services which will be performed by Probation departments.

Substance of proposed rule (Full text is posted at the following State website: <http://www.criminaljustice.ny.gov/>): PART 357 Intake for Article 7 (PINS)

Revisions were made throughout Part 357 to replace the term "parent(s)/guardian" with "parent(s) or other person(s) legally responsible for his/her care."

Section 357.1 adds, removes, and revises several definitions applicable to this rule. New definitions include the terms client engagement, graduated responses, intervention service, positive youth development, pre-dispositional placement, responsivity, stayaway youth (now distinct from runaway youth), and truancy.

Section 357.5 expands General Requirements to include screening and assessing PINS youth receiving diversion services for sexual exploitation using a state-approved instrument and referral to available and appropriate services to include safe house services in accordance with the Safe Harbour Act. In addition, PINS youth will receive a mental health screening at the time of the initial conference using a state-approved instrument and with the consent of the youth and person legally responsible for his/her care. School referrals are authorized to be referred to an educational advocacy program. To conform with Part K of Chapter 56 of the laws of 2019, this regulation requires engaging the school district to remediate or resolve any truancy or school behavior in circumstances when the school agency is not the potential petitioner.

Section 357.6 expands Probation Intake to include offering community-based alternatives to pre-dispositional placement where appropriate and available. It also supports the use of effective client engagement skills such as motivational interviewing with the youth and family. This section introduces new options in an effort to prevent the filing of a petition under Article 7. In addition to residential respite and crisis intervention, families may be offered a referral to short-term safe house services when the youth has been identified as sexually exploited and/or a referral to informal respite, where the youth may stay during times of increased stress/conflict in the youth's home.

Section 357.7 continues to direct local probation departments to make diligent efforts to provide diversion services in accordance with the general requirements of this part. This section clarifies that referral for services shall be based on the results of a state-approved risk and needs assessment instrument. In addition, Probation will work to engage the youth and their family in appropriate and available services that support positive youth development and lead to successful outcomes.

Section 357.8 was retitled to Assessment, Reassessment, Case Planning, and Client Engagement. This section continues to require probation to assess for risk and needs and to address the priority areas for intervention. It requires completion of a full risk and needs assessment at case opening and case closure for all medium and high-risk youth to ensure effective case planning and to measure change in dynamic risk and protective factors. Furthermore, probation will advocate for the youth's timely commencement of services, and work with service providers to monitor a youth and their family's participation and progress in services that address the needs identified in the case, and document accordingly in the case file. The use of effective client engagement skills such as motivational interviewing with the youth and their family is required as is obtaining input from the parent(s) or other person(s) legally responsible for his/her care and youth to identify barriers is required to meet the goals of the case plan.

Text of proposed rule and any required statements and analyses may be obtained from: Danise A. Linen, Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority:

Executive Law § 243(1) directs the Director of Probation and Correctional Alternatives, after consultation with the State Probation Commission, to recommend to the Commissioner of the Division of Criminal Justice Services, general rules that "regulate methods and procedure in the administration of probation services." Further, Executive Law § 256(1), requires probation agencies to perform intake services assigned to them pursuant to law.

Family Court Act (FCA) § 735(a) requires:

Division of Criminal Justice Services

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

Preliminary Procedure for Article 3 JD Intake, Retitled To Probation Services for Article 3 Juvenile Delinquency (JD)

I.D. No. CJS-44-20-00002-P

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

Proposed Action: Amendment of Part 357 of Title 9 NYCRR.

[E]ach county and any city having a population of one million or more shall offer diversion services...to youth who are at risk of being the subject of a person in need of supervision petition. Such services shall be designed to provide an immediate response to youth in crisis, to identify and utilize appropriate alternatives to detention and to divert youth from being the subject of a petition in family court. Each county and such city shall designate either the local social services district or the probation department as lead agency for the purposes of providing diversion services.”

Additionally, Social Services Law § 34-a(4)(b) requires every jurisdiction to submit a multi-year consolidated services plan which includes diversion services for Persons In Need of Supervision.

2. Legislative objectives:

These regulatory amendments are consistent with the legislative intent that the Director recommend regulations to be adopted by the Commissioner of DCJS relating to critical probation functions and to promote professional standards governing administration and delivery of probation services in the area of intake (preliminary procedure) for family court involving Persons In Need of Supervision (PINS). Passage of recent legislation resulted in requests from probation departments for DCJS’ Office of Probation and Correctional Alternatives (OPCA) to provide formal direction regarding implementation of the statutory changes contained in Part K of Chapter 56 of the Laws of 2019 and Chapter 362 of the Laws of 2018. These amendments are necessary to provide direction to probation departments in order to conform to current law, most notably the elimination of detention for PINS youth, and the requirement to screen all PINS youth receiving diversion services for sexual exploitation.

3. Needs and benefits:

Probation is responsible for conducting the preliminary procedure, in whole or in part, either because they are the designated lead agency in their county or responsible for providing a portion of preliminary procedure under a PINS Memorandum of Understanding with the local Department of Social Services.

These regulatory amendments address the elimination of detention for PINS youth and encourage community based-interventions, when possible, in an effort to keep the youth in his/her home and community. In addition, youth requiring placement outside of the home will be eligible for pre-dispositional placement services including, but not limited to, safe house services if determined to be at risk for, or a victim of, sexual exploitation. State approved screening instruments shall be used to screen PINS youth receiving diversion services for sexual exploitation and mental health concerns.

For school-based referrals, the option to refer the matter to an educational advocacy center would be available. Where the school district is not the potential petitioner, but school-based behaviors are included in the allegations, the lead agency must contact the school to remediate the education-related behaviors that would be included in the proposed petition.

Diversion services are to be prioritized for moderate and high-risk youth, with probation’s focus on addressing youth needs within the community to reduce the likelihood of pre-dispositional placement outside the home and to improve long term outcomes for youth and their families.

4. Costs:

More effective PINS diversion services can reduce long term state and local governmental costs for those youth who are at risk of continued involvement with the juvenile justice or criminal justice systems. No additional costs are anticipated in adhering to these amendments beyond what is currently required in law and regulation.

No additional costs in adhering to these regulatory amendments beyond what is currently required are anticipated. Initial triage at intake and sharing resources and services with other agencies, wherever appropriate and feasible, will produce cost savings in the short term, and generate long term savings by increasing a youth’s capacity to lead productive, law-abiding lives.

Further, DCJS has made available, at no cost to jurisdictions, risk assessment tools to screen for risk of sexual exploitation and mental health issues at intake for PINS youth. These tools will be available in an assessment suite located in the state probation case management system known as Caseload Explorer. Consistent application and sharing of screening, assessment, and case planning protocols and results will further add savings by avoiding duplication of efforts within and across probation departments.

5. Local government mandates:

DCJS has always had agency rules governing the PINS preliminary procedure and does not anticipate that these new requirements will be burdensome. While this regulatory reform requires attention to specific key areas establishing provisions for effective preliminary procedure, it also provides flexibility and recognizes differences among jurisdictional policies and resources. While DCJS will require sexual exploitation and mental health screenings in addition to risk and needs assessments, DCJS has made the necessary screening tools available to all jurisdictions.

6. Paperwork:

These amendments do not appear to lead to any additional significant costs related to paperwork and will not be burdensome. While the sexual exploitation and mental health screenings are currently available to probation departments in paper format, they will soon have the option of an automated electronic format. With the availability of both paper and electronic versions, probation departments will have options for ease of screening while balancing confidentiality, flexibility of workspace and environments, with the needs of the youth they are working with.

7. Duplication:

These amendments do not duplicate any State or Federal law or regulation. It clarifies and reinforces certain laws with respect to provision of the preliminary procedure for PINS youth.

8. Alternatives:

These amendments integrate law, research, and model probation practices to establish specific minimum standards for probation’s provision of diversion services to PINS youth and their families. Strengthening and supporting consistent application of the preliminary procedure is essential to ensure effective diversion of youth, wherever appropriate. By addressing youth needs within the context of their families and communities, the State can realize savings in pre-dispositional placement, post-dispositional placement, legal and social costs. Accordingly, it is not a viable alternative to have an outdated probation rule, or no rule, governing the preliminary procedure for the PINS populations.

9. Federal standards:

There are no federal standards governing the probation intake/preliminary procedure process.

10. Compliance schedule:

Local departments should be able to promptly implement these amendments and comply with its provisions. This regulation will be effective upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

A regulatory flexibility analysis for small businesses is not required by Section 202-a of the State Administrative Procedure Act; no small business record keeping requirements, needed professional services, or compliance requirement will be imposed on small businesses.

This proposed rule revises existing regulatory procedure in the area of Persons In Need of Supervision (PINS) diversion services and will impact local probation departments which are responsible, in whole or in part, for the delivery of such services to alleged PINS.

The Division of Criminal Justice Services (DCJS) has always had agency rules governing PINS preliminary procedure and does not anticipate that these new requirements will be burdensome upon probation departments. In preparation and drafting proposed amendments, DCJS was diligent in engaging probation professionals from around the state: 1) in June 2019 DCJS’ Office of Probation Correctional Alternatives (OPCA) convened a PINS rule drafting workgroup of representatives from small, medium, and large jurisdictions representing urban and rural jurisdictions—this workgroup was comprised of all levels of probation staff, including directors, deputy directors, supervisors, senior probation officers, and probation officers; 2) In August 2019 OPCA circulated a refined draft to all probation directors/commissioners; 3) In September 2019 OPCA received feedback from a specific committee (known as the Policy and Research Committee, or PARC) of the NYS Council of Probation Administrators (COPA).

Most of the feedback indicated that these amendments reflect current model best probation practices. Some feedback sought clarification of language, alternate language, and suggested that commentary accompanying the rule.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not being submitted with these proposals because it will have no adverse impact on rural areas. These revisions incorporate changes in law effective 2019 and 2020 with respect to the preliminary procedure for probation in the provision of intake and diversion services for Persons in Needs of Supervision (PINS). Specifically, Part K of Chapter 56 of the laws of 2019 and Chapter 362 of the laws of 2018.

Job Impact Statement

A job impact statement is not being submitted with these proposed regulations because it will have no adverse effect on private or public jobs or employment opportunities. These revisions incorporate changes in law effective 2019 and 2020 with respect to the preliminary procedure for probation in the provision of intake and diversion services for Persons in Needs of Supervision (PINS). Specifically, Part K of Chapter 56 of the laws of 2019 and Chapter 362 of the laws of 2018. These revisions also address out-of-date requirements and reflect up-to-date best practices in the area of probation services. These changes are not onerous and can be implemented through correspondence and in-service training of probation staff.

Department of Environmental Conservation

NOTICE OF ADOPTION

Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles

I.D. No. ENV-05-20-00001-A

Filing No. 675

Filing Date: 2020-10-20

Effective Date: 30 days after filing

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

Action taken: Amendment of Part 248 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0323, 71-2103 and 71-2105

Subject: Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles.

Purpose: Updating to meet with statutory deadline.

Text of final rule: 6 NYCRR Part 248 is amended to read as follows:

Subdivision 248-1.1(a) through Paragraph 248-1.1(b)(13) remains unchanged.

Paragraph 248-1.1(b)(14) is amended to read as follows:

(14) 'Heavy duty vehicle' or 'HDV' means any on and off-road vehicle powered by a diesel engine and having a gross vehicle weight of greater than 8,500 pounds, except: vehicles used exclusively as snowplows under contract with a regulated entity; authorized emergency vehicles; trucks owned by a person engaged in production by means of:

(i) the planting, cultivation and harvesting of agricultural, vegetable and food products of the soil, including horticultural specialties such as nursery stock, ornamental shrubs, ornamental trees and flowers;

(ii) the raising, feeding and care of livestock, bees and poultry; or

(iii) dairy farming where such agricultural truck is only used for the transportation of such person's own agricultural or dairy commodities or supplies or for personal passenger use, or in conjunction with lumbering operations connected with but only incidental to the operation of a farm; road rollers, tractor cranes, truck cranes, power shovels, road building machines, snow plows, road sweepers, sand spreaders, well drillers, well servicing rigs, feed processing machines, mobile car crushers (whether self-propelled or a combination used exclusively as one unit), earth movers, which shall mean motor-driven vehicles in excess of eight feet in width equipped with pneumatic tires designed and constructed for moving or transporting earth and rock in connection with excavation and grading work, and truck with small wheels used in a factory, warehouse or railroad station, spreaders and sprayers (generally meaning an agricultural vehicle used to spread or spray agricultural chemicals, agricultural lime and/or agricultural fertilizers), fire vehicles and tractor-trailer combinations designed and used as a unit exclusively for the same purposes as the above named vehicles; motor vehicles, other than motor vehicles manufactured and equipped primarily for the transportation of passengers, trailers and semitrailers, to be operated by any person, upon a public highway for the purpose of traveling by the most direct route, but in no event further than 25 miles one-way from a point on the farms and designated by the vehicle owner and set forth in an attachment to the vehicle registration;

('a') between fields, buildings, and facilities managed or operated as part of a single farm enterprise in connection with the production, harvesting, processing or marketing on that farm of crops, livestock, or livestock products produced on that farm; or

('b') for the purpose of transporting materials from a farm to the nearest available municipal sanitary landfill, or for the purpose of transporting the motor vehicles, trailer or semitrailer to a motor vehicle repair shop licensed pursuant to chapter 71 of the Consolidated Laws for the repair or adjustment of equipment provided that, in addition to the route restrictions set for in this subdivision, no such transport shall be authorized if such vehicle has an out-of-service defect relating to load securement, brake systems, steering components and/or coupling devices, or after it has been placed out-of-service or on any limited access highway, or for the purpose of transporting the motor vehicle, trailer or semitrailer, at the time of first receipt, from its point of sale to a farm, and during the period of one hour before sunset to one hour after sunrise except for vehicles

owned by farmers with an average gross sales value of less than \$1,000 per year of crops, livestock and livestock provisions; and farm type tractors and all terrain type vehicles used exclusively for agriculture or mowing purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site, and timber harvesting equipment such as harvesters, wood chippers, forwarders, log skidders, and other processing equipment used exclusively off highway for timber harvesting and logging purposes.

This term shall not include vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department or fire department.

Paragraph 248-1.1(b)(15) through Subdivision 248-3.1(c) remain unchanged.

Subdivision 248-3.1(d) through Subdivision 248 3.1(e) is amended to read as follows:

(d) All covered vehicles owned by, operated by *or on behalf of*, or leased by a regulated entity or contractor shall be powered by ULSD fuel. The regulated entity or contractor may apply for a waiver from this requirement per the waiver application process specified in section 248-4.1(a) of this Part if the commissioner makes a written finding that a sufficient quantity of ULSD is not available to meet the requirements of this Part.

(e) [On or after]As of December 31, [2013] 2019, all diesel powered heavy duty vehicles owned by, operated by *or on behalf of*, or leased by each BART regulated entity or which are owned by, operated by or leased by a contractor and used to provide labor, services, materials and/or equipment on behalf of a BART regulated entity to perform regulated entity work shall utilize and maintain BART.

Subdivision 248-3.1(f) through Subdivision 248-4.1(b) remains unchanged.

Subdivision 248-4.1(c) is amended to read as follows:

(c) 'Heavy duty vehicle/engine useful life waiver'.

(1) The department shall issue a waiver of the requirements of this Part to a BART regulated entity or contractor upon receipt of request from such entity or contractor provided that such vehicle will be permanently taken out of service in New York State on or before December 31, [2013] 2020. The waiver form will be prescribed by the department. A copy of a department issued waiver for a vehicle shall be kept with the vehicle and provided to the department upon request.

Subdivision 248-4.1(d) through Subdivision 248-5.1(b) remain unchanged.

Subdivision 248-6.1(a) is amended to read as follows:

(a) On or before November 1, 2008 and every year thereafter, regulated entities subject to the requirements of this Part shall report to the department on the use of ULSD and BART as described in subdivision (b) of this section for all vehicles, including covered vehicles operated on behalf of regulated entities. *The report shall be based on the period of September 1 through August 31.* Contractors shall report required information as described in subdivision (b) of this section to the regulated entity on a schedule to be determined by the regulated entity.

Subdivision 248-6.1(b) through Section 248-11.1 remain unchanged.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 248-1.1(b)(14) and 248-6.1(a).

Text of rule and any required statements and analyses may be obtained from: James Bologna, NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3255, (518) 402-8292, email: air.regs@dec.ny.gov

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

Summary of Revised Regulatory Impact Statement

1. Statutory Authority:

The statutory authority for this revision to 6 NYCRR Part 248 is the Environmental Conservation Law (ECL) sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0323, 71-2103 and 71-2105.

2. Legislative Objectives:

In 2006, the Legislature passed, and the Governor signed the "Diesel Emissions Reduction Act of 2006" (DERA). The legislation charged the Department with implementing a regulatory program that would require the use of ULSD fuel and BART for any heavy duty diesel vehicle (HDDV) that is owned by, operated by or on behalf of, or leased by a state agency and state and regional public authority. The Department subsequently promulgated Part 248, effective as of July 30, 2009, to implement DERA.

Additionally, the Legislature amended ECL section 19-0323 annually, beginning with calendar year 2010 and ending with calendar year 2018, to

extend DERA compliance dates. The final extension established compliance dates of December 31, 2019 for BART compliance and December 31, 2020 for the end of useful life waivers. This proposed rulemaking updates and clarifies the compliance dates for BART and useful life waivers; updates the definition of heavy duty vehicle to incorporate changes made to the New York State Vehicle and Traffic Law that add additional exemptions; adds "on behalf of" to Section 248-3.1(d) and (e); clarifies the annual reporting requirement period under 248-6.1(a); and, corrects a typographical spacing error.

3. Needs and Benefits:

The proposed regulation amends Part 248 to meet statutory requirements and the overall goal of protecting the health of the residents of New York by reducing the emissions of air pollution from certain on- and off-road diesel-powered vehicles and equipment. These revisions to the Part 248 rulemaking make it consistent with the amendments to ECL section 19-0323 by updating compliance dates. In addition, this updates the definition of heavy duty vehicle to incorporate changes made to the New York State Vehicle and Traffic Law that add additional exceptions, revises Section 248-3.1(d) and (e) to add "on behalf of" and corrects one typographical spacing error. These clarifications should assist the regulated entity and contractor in complying with the Part 248 requirements.

Diesel powered vehicles (including on-road and off-road) with engine models years older than 2007 are subject to BART and ULSD requirements. Engine model year 2007 and newer vehicles are deemed to be BART compliant. This regulation includes some exemptions for certain vehicles used in certain situations (emergency, agriculture, non-road construction, timber).

4. Costs:

The Department anticipates BART compliance costs for regulated entities and prime contractors will vary significantly. Regulated entities and prime contractors have known about the BART requirements for over a decade. Some have systematically replaced or retrofitted their applicable heavy-duty vehicles and are not expected to have significant additional costs. Others have become accustomed to the annual postponement of the BART compliance dates and have not replaced or retrofitted their applicable vehicles over time. These regulated entities and prime contractors may now face significant costs.

HDDV replacement through attrition, fleet turn over and grant funding opportunities appears to be the option currently favored as a means of compliance. Replacement HDDV costs can vary greatly depending on vehicle size and functionality. In 2019, the Department completed a diesel truck replacement program for Class 5 to Class 8 HDDVs with replacement costs ranging from approximately \$61,000 to \$198,000. The costs associated with larger and more complex HDDVs can be much higher. Used engine model year 2007 and newer vehicles can be purchased at lower costs compared to new vehicles.

Diesel retrofit costs, including installation and maintenance, may exceed the market value of the BART non compliant HDDV. The Manufacturers of Emission Controls Association has published estimated costs of \$10,000 to \$20,000 for HDDV diesel particulate filter retrofits. Costs associated with retrofit projects on large diesel engines, such as in marine vessels or locomotives, can be much higher.

Cost-Effectiveness

Retrofit projects remain a cost effective method to reduce diesel emissions. As stated in the EPA report entitled "The Cost Effectiveness of Heavy-Duty Diesel Retrofits and Other Mobile Source Emission Reduction Projects and Programs", dated May 2007, retrofitting diesel engines is "one of the most cost-effective ways to reduce diesel emissions".

Potential Impact on Businesses and Employment

The regulatory requirements will continue to affect several categories of businesses and employment including BART device (DPF and DOC) manufacturers, device substrate manufacturers, authorized installers/distributors of verified BART devices, new engine/vehicle manufacturers, and prime contractors of state agencies/public authorities.

Regulated entities and prime contractors that have postponed replacing or retrofitting older diesel vehicles with BART compliant vehicles may be facing significant costs. Prime contractors operating BART non compliant vehicles on behalf of the state may elect to reduce the number of employees to cover the costs associated with purchasing BART compliant vehicles or installing emission retrofit devices. Some prime contractors may choose to not bid on state contracts due to the lack of owning BART compliant vehicles. Some prime contractors may need to rent BART compliant vehicles to comply with the DERA requirements.

As noted in the previous rulemaking, some businesses and employment may be positively impacted as a result of the existing regulation include BART device manufacturers, device substrate manufacturers, authorized installers/distributors of verified BART devices, new engine/vehicle manufacturers and alternative fuel engine/vehicle manufacturers. Additionally, rental companies may benefit from the rulemaking as some prime contractors with HDDVs not equipped with BART may elect to rent newer and compliant vehicles.

5. Local Government Mandates:

ECL sections 19-0323(2) and 19-0323(3) require state agencies and affected state and regional public authorities to use ULSD and BART and prime contractors to those entities. It does not directly apply to local governments unless they are prime contractors to regulated entities.

6. Paperwork:

Recordkeeping, vehicle labeling, and reporting requirements continue for affected HDDV owners/operators and include documentation to support the selection of a specific BART product for a specific, inventoried HDDV and related HDDV chassis and engine information. Completion of the vehicle inventory form also serves to meet the record keeping requirements.

7. Duplication:

There is no duplication except for the federally mandated availability of ULSD for on road and off-road engines.

8. Alternatives:

Make no revisions to existing Part 248. This would create a disconnect between the regulation and the underlying statute and therefore we did not choose this option.

9. Federal Standards:

The United States Environmental Protection Agency (USEPA) does not require in-use heavy duty diesel vehicles be retrofitted with BART.

10. Compliance Schedule:

Affected regulated entities and their prime contractors will be required to comply with the regulations on or before December 31, 2019. Any vehicles issued useful life waivers must be taken out of service in New York by December 31, 2020.

Revised Regulatory Flexibility Analysis

1. Effect of Rule:

The New York State Department of Environmental Conservation (Department) is proposing to amend 6 NYCRR Part 248, to make it consistent with the amendments to ECL section 19-0323 by updating compliance dates. In addition, this proposed rulemaking updates the definition of heavy duty vehicle to incorporate changes made to the New York State Vehicle and Traffic Law that add additional exceptions; revises Section 248-3.1(d) and (e) to add "on behalf of"; clarifies the reporting period for regulated entities and their prime contractors; and corrects one typographical spacing error. These clarifications should assist regulated entities and contractors in complying with the Part 248 requirements.

These changes apply to state agencies and public authorities (regulated entities) and their prime contractors statewide and require Best Available Retrofit Technology (BART) and the use of Ultra Low Sulfur Diesel (ULSD) fuel on all covered vehicles. Local governments and small businesses who own or operate heavy duty vehicles in New York State are not subject to the proposed regulation except if they are a prime contractor to New York State. BART is the installation of various emission control technologies to reduce exhaust emissions from older diesel engines. The Diesel Emission Reduction Act was enacted in 2006 and 6 NYCRR Part 248 have been in effect since 2009, but the Legislature has repeatedly postponed BART compliance dates. With these revisions and the resulting compliance dates change, local governments and small businesses who are prime contractors to regulated entities may be impacted if their vehicles do not comply by December 31, 2019. Consequently, these local governments and small businesses may not be eligible to bid on state contracts which require the use of BART compliant vehicles. Other small businesses, specifically the vendors, manufacturers, and installers of BART equipment may see an increase in business.

2. Compliance Requirements:

The specific requirements in the proposed rule do not apply to local governments or small businesses except if they are a prime contractor to New York State. That is in the existing regulation and is not being changed. There are no specific requirements in the proposed regulation which apply exclusively to small businesses or local governments. The proposed regulations require diesel-powered vehicles operated by, or on behalf of, the State of New York to be equipped with BART, repowered, or be taken out of service according to a specified schedule. Engine model year 2007 and newer vehicles are deemed to be BART compliant.

Reporting, record keeping, and compliance requirements will be effective statewide. Regulated entities and their prime contractors (some of which may be small businesses or local governments) will be required to have BART installed on all applicable vehicles on or before December 31, 2019. These proposed revisions will not result in any additional reporting requirements other than those currently in effect, although certain requirements have been clarified. These requirements include the submittal of an annual report and inventory form to the Department. This annual report and inventory form are the same documentation already required by the Department since Part 248 has been in effect since 2009.

3. Professional Services:

The proposed rule adds updated statutory deadlines to the existing regulation and clarifies a number of provisions. The proposed rule would

not impose any specific requirements on local governments or small businesses except as noted above. The Department believes that no different or additional professional services would likely be needed by small businesses or local governments when compared to those professional services required by other regulated entities. The Department anticipates that regulated entities and prime contractors (which may be small businesses and local government), may require professional services for the technical evaluation of diesel vehicles or equipment prior to retrofit installations.

4. Compliance Costs:

BART compliance costs for small businesses and local government will not be any different than those costs incurred by other entities subject to the rule. The Department estimates that costs will vary significantly. Regulated entities, and some prime contractors, have known about the BART requirements for over a decade. Some regulated entities and prime contractors have likely systematically replaced or retrofitted their applicable heavy-duty vehicles and are not expected to have significant costs. In contrast, other regulated entities and prime contractors may have become accustomed to the annual postponement of the BART compliance dates and have not replaced or retrofitted their applicable vehicles over time. Small businesses and local governments that have delayed applicable HDDV replacement or retrofitting may now face significant costs.

In 2019, the Department completed a truck replacement grant program with Class 5 to Class 8 HDDVs with replacement costs ranging from approximately \$61,000 to \$198,000. A used compliant HDDV engine model year of 2007 and newer can be purchased at lower costs compared to new vehicles. The Emission Manufacturers Association is estimating diesel particulate filter retrofit costs of \$10,000 to \$20,000. These retrofit costs can often exceed the market value of an older heavy duty vehicle.

New York State currently maintains personnel and equipment to administer the Part 248 program. Therefore, no significant additional costs will be incurred by the State of New York for the administration of this proposed revision.

5. Minimizing Adverse Impact:

Part 248 regulations have been in effect since 2009. During this time the Department has continued to reach out to small businesses and local government in an effort to minimize adverse impacts. Normal fleet attrition has reduced the number of BART non-compliant vehicles.

Some small businesses and local governments are likely to have systematically replaced or retrofitted their applicable heavy-duty vehicles. Other small businesses and local governments, however, have become accustomed to the annual postponement of the BART compliance dates and have not replaced or retrofitted their applicable vehicles over time. These small businesses and local governments may object to the relatively short time frame to comply with BART and the associated costs required to achieve compliance. Small businesses and local governments that have delayed BART compliance preparations may face significant costs.

6. Small Business and Local Government Participation:

The Department posts relevant information on its website relevant to Part 248 BART regulations. The website provides a contact with information regarding implementation of the existing rule for DERA and copies of the proposed rules and explanatory material. The Department will also hold a public hearing on this rulemaking. There will be a public comment period in which interested parties can submit written comments.

7. Economic and Technological Feasibility:

The Department has concluded that compliance by regulated entities and their prime contractors is likely to be economically and technically feasible. Some small businesses and local governments have shown BART compliance is likely to be economically and technologically feasible by systematically replacing or retrofitting their applicable HDDV fleet. Other small businesses and local governments have delayed replacing or retrofitting their applicable HDDV fleet. Also, small businesses may choose not to bid on or participate in state contracts.

Implementation of the proposed regulation is not expected to be burdensome in terms of additional reporting requirements for regulated entities and their prime contractors. As stated previously, these requirements include the submittal of an annual report and inventory form to the Department. This documentation is the same documentation currently required by the Department.

Additionally, regulated entities have four Part 248 BART compliance options, which allows flexibility in ways to become compliant. Regulated entities can replace an applicable heavy-duty diesel vehicle by December 31, 2019; or install BART on an applicable heavy-duty diesel vehicle by December 31, 2019; or request a vehicle specific technology waiver under section 248-4.1(b); or request a useful life waiver under section 248-4.1(c). If approved by the Department, these useful life waivers will expire by December 31, 2020 and the subject vehicle may no longer operate in New York State.

Revised Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

The New York State Department of Environmental Conservation

(Department) is proposing to amend 6 NYCRR Part 248, to make it consistent with the amendments to ECL section 19-0323 by updating compliance dates. In addition, this proposed rulemaking updates the definition of heavy duty vehicle to incorporate changes made to the New York State Vehicle and Traffic Law that add additional exceptions; revises Section 248-3.1(d) and (e) to add "on behalf of"; clarifies the reporting period for regulated entities and their prime contractors; and, corrects one typographical spacing error. These clarifications should assist the regulated entities and prime contractors in complying with the Part 248 requirements.

There are no requirements in the proposed regulation which apply only to rural areas. These changes apply to State Agencies and certain Public Authorities (regulated entities), and their prime contractors statewide requiring the use of Ultra Low Sulfur Diesel (ULSD) fuel and Best Available Retrofit Technology (BART) on all applicable vehicles. ULSD is now the most commonly available diesel fuel. BART is the installation of emission control technologies to reduce exhaust emissions from older diesel engines. The Diesel Emission Reduction Act was enacted in 2006 and 6 NYCRR Part 248 has been in effect since 2009, but the NYS Legislature repeatedly postponed BART compliance dates. The proposed revisions and the compliance date change should not single out or significantly impact rural areas.

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

The proposed rule adds statutory deadlines to the existing regulation and clarifies a number of provisions. The proposed rule would not impose requirements on regulated entities or their prime contractors located in rural areas in a manner different from those imposed on regulated entities and prime contractors in non-rural areas. No different or additional professional services would likely be needed by regulated entities or prime contractors in rural areas due to their rural location. The Department does not anticipate the regulated entities or prime contractors requiring or needing significant professional help in carrying out the proposed regulation. Professional services may be required in rural and non-rural areas for the technical evaluation of diesel vehicles or equipment prior to retrofit installations.

Costs:

The Department anticipates BART compliance costs for regulated entities and their prime contractors will vary significantly. Regulated entities and prime contractors have known about the BART requirements for over a decade. Some regulated entities and prime contractors have systematically replaced or retrofitted their applicable heavy-duty vehicles and are not expected to have significant costs. Others have become accustomed to the annual postponement of the BART compliance dates and have not replaced or retrofitted their applicable vehicles over time. These regulated entities and prime contractors may now face significant costs.

Heavy duty diesel truck costs can vary greatly based on vehicle size and complexity. A new Class 3 diesel truck with limited options can currently cost approximately \$34,000. In 2019, the Department completed a truck replacement program with Class 5 to Class 8 HDDVs with replacement costs ranging from approximately \$61,000 to \$198,000. Large trucks with complex functionality can be much more expensive.

Retrofit devices have become a less likely chosen emission control option due to the attrition of applicable vehicles and to the cost of the retrofit device may exceed the market value of an older heavy duty vehicle. Information from the Manufacturers of Emission Controls Association estimates diesel particulate filter retrofit costs of \$10,000 to \$20,000. The costs associated with longer distances traveled for retrofit installations may be greater in rural areas when compared to non-rural areas.

The proposed changes to 6 NYCRR Part 248 would not impose significantly greater costs on regulated entities and prime contractors in rural areas that are different or additional to those incurred by regulated entities and prime contractors in non-rural areas. There would be likely be no or minimal variation in costs incurred by public and private entities in rural areas. Please see the Regulatory Impact Statement for additional information on potential cost impacts.

Minimizing Adverse Impact:

Since the purposes of this rule are to add statutory deadlines to the existing regulation and to clarify a number of provisions, the Department believes that the proposed rule would not cause a significant impact on any rural area different from non-rural areas. Additionally, the regulated entities and prime contractors have known about the requirements for over ten years.

Rural Area Participation:

The Department provides statewide outreach to persons who are subject to the proposed rules, including persons residing or working in rural areas of the State, by posting relevant information on the Department's website. The website provides a contact with information regarding implementation of the existing rule for DERA and copies of the proposed rules and explanatory material. The Department also maintains a website to which persons may subscribe so that they can receive information about

new developments regarding the Part 248 DERA program. Due to the unprecedented nature of COVID-19, Governor Cuomo issued a PAUSE Order directing non-essential meetings/gatherings to be suspended or cancelled. See Executive Order 202 and subsequent additions, including Executive Order 202.15 which specifically addressed the suspension of public hearing requirements. Pursuant to these directives, the Department cancelled all previously scheduled public hearings for this proposed rulemaking and extended the comment period for this rulemaking for 30 days. Notice of cancellation of hearings and extension of public comment period was given on April 1, 2020 in the Environmental Notice Bulletin and in the State Register.

Revised Job Impact Statement

1. Nature of impact:

The proposed regulation amends Part 248 to meet statutory requirements and the overall goal of protecting the health of the residents of New York by reducing the emissions of air pollution from certain on- and off-road diesel powered heavy duty vehicles and equipment. ECL section 19-0323 mandates that any diesel powered heavy duty vehicle that is owned by, operated by or on behalf of, or leased by a state agency or state/regional public authority (those with more than half of its governing body appointed by the Governor) is Best Available Retrofit Technology (BART) compliant. For purposes of the regulation, state agencies, state public authorities and regional public authorities have been designated regulated entities. State agencies and affected state/regional public authorities (those with more than half of its governing body appointed by the Governor) are designated BART regulated entities.

Those regulated entities and prime contractors that have postponed replacing or retrofitting older diesel vehicles with BART compliant vehicles may be facing significant costs. Prime contractors operating applicable diesel powered vehicles on behalf of the state may elect to reduce the number of employees to cover the costs of purchasing replacement HDDVs or installing BART devices on their affected HDDVs. Some prime contractors may need to acquire BART compliant vehicles to perform state contracts.

2. Categories and numbers affected:

Applicable heavy duty diesel powered vehicles with engine model years older than 2007 are subject to BART requirements. There are some exemptions for certain vehicles (e.g. emergency, agriculture, non-road construction, timber). The proposed regulation requires heavy duty diesel-powered vehicles operated by, or on behalf of, the State of New York to be equipped with BART, repowered or be taken out of service according to a specified schedule, or obtain a waiver.

Normal fleet attrition, turnover, and retirement have reduced the number of non-compliant HDDVs since Part 248 regulations went into effect in 2009. Some regulated entities have systematically replaced or retrofitted their applicable fleet which may minimize the impact on jobs in New York State. Other regulated entities have postponed replacing or retrofitting their HDDV fleet and may be facing significant costs.

The Department does not have a comprehensive list of regulated prime contractors operating heavy duty vehicles on behalf of the State. The list of prime contractors to the state is constantly changing as contracts are bid and awarded. The Department will continue to reach out to stakeholders, including prime contractors, in an effort to increase the number of entities reporting BART compliance to DEC.

3. Regions of adverse impact:

None.

4. Minimizing adverse impact:

Part 248 BART regulations have been in effect since 2009. During this time the Department has continued to reach out to stakeholders in an effort to minimize any adverse impacts on jobs in New York State. Over the past ten years, normal fleet attrition has reduced the number of non-compliant vehicles.

Regulated entities and prime contractors have some flexibility when complying with Part 248 BART regulations in that they have four compliance options: replace an applicable heavy-duty diesel vehicle by December 31, 2019; or install BART on an applicable heavy-duty diesel vehicle by December 31, 2019; or request a vehicle specific technology waiver under section 248-4.1(b); or request a useful life waiver under section 248-4.1(c). If approved by the Department, these useful life waivers will expire by December 31, 2020, after which the vehicle/equipment may no longer operate in New York State.

Some regulated entities and their prime contractors have systematically replaced or retrofitted their applicable heavy-duty vehicles over the last ten years and are not expected to have significant impact. In contrast, other regulated entities and their prime contractors have become accustomed to the annual postponement of the BART compliance dates and have not replaced or retrofitted their applicable vehicles over time. As a result, the regulated entities and prime contractors who have chosen to wait may face significant vehicle replacement or retrofit costs.

The Department continues to expect the impact to those affected

contractors to be similar to the impacts on government entities which, in turn, may result in higher bids proposed by prime contractors on state and public authority contract work to compensate for increased costs due to these regulatory requirements. Also, some prime contractors may not be able to bid on certain state contracts if they have no BART compliant vehicles. Prime contractors may elect to rent BART compliant vehicles for state contract work. Some prime contractors may elect to reduce the number of employees to offset the costs of purchasing replacement HDDVs or installing retrofit devices on affected HDDVs.

Vendors and installers of emission control devices, (i.e., diesel particulate filters and diesel oxidation catalysts), may see a positive impact on sales and employment.

5. Self-employment opportunities:

None the Department is aware of at this time.

Initial Review of Rule

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

Assessment of Public Comment

The New York State Department of Environmental Conservation (Department) is revising 6 NYCRR Part 248, Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology (BART) for Heavy Duty Diesel Vehicles (HDDVs). A public hearing was originally scheduled for April 10, 2020, but due to the unprecedented nature of Covid-19, Governor Cuomo issued a PAUSE Order directing non-essential meetings/gatherings to be suspended or cancelled. As a result, the Department cancelled the public hearing and extended the comment period for 30 days. The Department received comments from sixteen (16) entities during the comment period of February 5, 2020 through 5:00 pm May 15, 2020. The following is a summary of comments and the Department's responses to those comments.

Applicability

Several comments raised the issue of applicability (i.e., which vehicles are "covered" by Part 248). Some commenters requested that additional HDDVs be exempt from the regulation, while another commenter suggested the regulation be extended to all HDDVs, regardless of use or ownership. The Department responded that the list of regulated HDDVs or covered vehicles is prescribed in statute (see ECL Section 19-0323). Another group of comments raised the issue of "low use" vehicles (vehicles with low mileage during a reporting year), and suggested that additional vehicle types should be added to this category. The Department responded that it has established a BART waiver application form, which includes a low usage waiver option. Another commenter asked if the regulation applied to sub-contractors. The Department responded that BART requirements only apply to those HDDVs used as part of the prime contract. The regulation does not apply to sub-contractors.

Recordkeeping and Reporting

Several comments raised concerns that the regulated community needed additional time to compile the required information and to submit required reports based on such information to the Department. To address this concern, the Department responded by changing the proposed annual reporting period of October 1 through September 30 to September 1 through August 31. Additional comments raised concerns regarding the Department's enforcement of the reporting provisions and the regulation in general. The Department's response explained that reporting requirements for regulated entities and prime contractors are contained in Subdivision 248-6.1(a) and are fully enforceable by the Department, and that it is the Department's intention to continue to fully enforce not only the reporting requirements, but all requirements of Part 248.

Two commenters were concerned about not being able to locate all information required to be submitted to the Department and what to do when requested information is not available. In response to these comments and in an effort to make the annual report and inventory forms less onerous for regulated entities and prime contractors, the Department has reduced the amount of information required to be submitted. For instances where required information is not readily available, the Department responded that regulated entities and prime contractors should first reach out to the applicable vehicle or engine manufacturer and if still unsuccessful, they should then contact the Department for further guidance.

One commenter suggested the Ultra-Low Sulfur Diesel (ULSD) fuel reporting requirement should be eliminated. The Department responded by noting that the ULSD fuel reporting is required by statute (see ECL Section 19-0323).

Another commenter suggested the regulation should be revised so that State prime contractors are responsible for reporting their own annual fleet inventory directly to the Department. The Department responded that the prime contractors must report directly to the state or public authority with which the prime contractors have a contract. The Department is not privy to other departments' and authorities' prime contracts, nor would the

Department be able to enforce the requirements of such contracts. While a prime contractor may use certain HDDVs on multiple contracts, providing a report and inventory for each contract allows for greater enforcement by both the regulated entity and the Department.

Costs

Several comments raised concerns about costs associated with compliance with the regulation and suggested additional time was necessary to comply. The Department responded that the Diesel Emissions Reduction Act of 2006 (DERA) and BART are statutory provisions and that regulated entities and prime contractors were first made aware of the included BART requirements over a decade ago. The Department’s response noted that costs for regulated entities will vary considerably and that the regulation also contains various alternate compliance options, including waiver provisions. The Department believes that regulated entities and their prime contractors have had adequate time to bring their HDDV fleet into compliance.

Technology

Several commenters raised concerns about “outdated” technology and requested amendments that would require zero-emission technology, regardless of cost, or the low-NOx standard (0.02 g/bhp-hr) of the California Air Resources Board (“CARB”). These comments also suggested the regulation should expressly disallow the use certain control technologies. The Department responded by explaining that DERA charged the Department with implementing a regulatory program that would require the use of ULSD fuel and BART for any HDDV that is owned by, operated by or on behalf of, or leased by a state agency or state and regional public authority. In carrying out its mandate from the Legislature, the Department promulgated Part 248. The Department explained that the current revisions to Part 248 simply update the compliance deadline in accordance with statute, clarify reporting requirements, and make other housekeeping changes.

Waivers

Several commenters requested that BART waivers should be valid for longer than one year and that a waiver should be granted if proof can be provided that a vehicle is currently being tested or registered to have a retrofit installed. The Department responded that waiver provisions are listed in Subpart 248-4, including the types of waivers that can be issued, time of expiration, and criteria for obtaining such waivers. DERA requires the Department to address and include waiver provisions in regulation (see ECL Section 19-0323). CARB and EPA lists of verified retrofit technologies are dynamic, and it is possible that additional technologies will be periodically placed on the lists. For those affected HDDVs granted Department waivers, the BART regulated entity or prime contractor will need to re-examine the CARB and EPA lists prior to the waiver expiration to determine if there are applicable and available retrofit technologies for the subject vehicle/engine.

Outside the Scope of the Regulation

The Department received comments which were deemed outside the scope of the proposed revisions to the regulation, and therefore they were not addressed in the Assessment of Public Comment.

Substance of proposed rule (Full text is posted at the following State website: www.gaming.ny.gov/proposedrules.php): This amendment of Part 5014, Courier Services, of Subtitle T of Title 9 NYCRR will allow the New York State Gaming Commission (“Commission”) to expand the regulated use of licensed lottery courier services to include the purchase and delivery of instant tickets.

The purpose of allowing licensed lottery courier services to purchase and deliver instant tickets to customers, in addition to the draw game tickets that they currently are allowed to offer, is to attract new players and increase revenue for education in New York.

Section 5014.3, “Conditions and requirements of licensure.”, will be amended so that a licensed lottery courier service can also offer instant tickets for delivery. References to draw games are replaced with references to “games” to allow licensed lottery courier services to include games involving instant tickets.

Section 5014.6, “Courier customer agreements.”, will be amended so that “draw game” will be added to subsection (c) in order to distinguish the applicability of this subsection.

Section 5014.7, “Requirements for network.”, will be amended so that references to draw games are removed, and licensed lottery courier services will be allowed to purchase and deliver instant tickets to customers. References to a “draw game ticket” will be added in order to distinguish the applicability of certain subsections. Additional amendments to this section require an incident report be provided to the Commission in the event a customer reports that a courier service has delivered a ticket that does not comply with the Commission’s ticket validation requirements.

Section 5014.11, “Ticket sale occurrence.”, will be amended to allow licensed lottery courier services to purchase and deliver instant tickets to customers. References to a “draw game ticket” will be added in order to distinguish the applicability of certain subsections. Additional amendments would also enhance the required warnings to customers to include that the Commission is not responsible for acts, omissions or errors on the part of a licensed lottery courier service that may cause a purchased ticket to fail the Commission’s validation requirements.

Section 5014.12, “Courier service fulfillment.”, will be amended to allow licensed lottery courier services to purchase and deliver instant tickets to customers. References to a “draw game ticket” will be added in order to distinguish the applicability of certain subsections. Additional amendments to this section set forth a retention policy for bet tickets that are required to be cancelled if a courier service has not accomplished timely ticket processing.

Section 5014.13, “Ticket ownership.”, will be amended so that a licensed lottery courier service can offer instant tickets for delivery. References to draw games are removed to allow licensed lottery courier services to include instant tickets.

Section 5014.14, “Notification of and payment of prize winners.”, will be amended to be titled “Notification of and payment of prize winners in draw games.”. References to draw games will be added in order to distinguish the applicability of certain subsections.

The full text of this proposed rule is posted on the Commission’s website, www.gaming.ny.gov.

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

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

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY: The New York State Gaming Commission (“Commission”) is authorized to promulgate this rule by Tax Law Sections 1601, 1604, 1605, 1607 and 1609, and Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) Sections 103(2), 104(1) and (19).

Tax Law Section 1601 describes the purpose of the New York State Lottery for Education Law (Tax Law Article 34) as being to establish a lottery operated by the State, the net proceeds of which are applied exclusively to aid to education. Tax Law Section 1604 authorizes the promulgation of rules governing the establishment and operation of such lottery. Tax Law Section 1605 authorizes the licensing of lottery sales agents and lottery vendors and sets forth criteria for licensing, while Tax Law Section 1607 establishes that a lottery license may be suspended or revoked. Tax Law Section 1609 provides that no ticket shall be sold by any person other than a licensed lottery sales agent.

Racing Law Section 103(2) provides that the Commission is responsible to operate and administer the state lottery for education, as prescribed by Article 34 of the Tax Law. Racing Law Section 104(1) provides the Com-

New York State Gaming Commission

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

Allowing Licensed Lottery Courier Services to Purchase and Deliver Lottery Tickets to Customers

I.D. No. SGC-44-20-00012-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 5014.3, 5014.6, 5014.7, 5014.11, 5014.12, 5014.13 and 5014.14 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19); Tax Law, sections 1601, 1604, 1605, 1607 and 1609

Subject: Allowing licensed lottery courier services to purchase and deliver lottery tickets to customers.

Purpose: To facilitate the sale of lottery tickets to generate additional revenue for education.

mission with general jurisdiction over all gaming activities within the State and over any person, corporation or association engaged in such activities. Racing Law Section 104(19) authorizes the Commission to promulgate any rules it deems necessary to carry out its responsibilities.

2. **LEGISLATIVE OBJECTIVES:** To expand the regulated use of lottery courier services to include instant tickets to generate more revenue for education and to enhance the required warnings to customers.

3. **NEEDS AND BENEFITS:** The proposed rulemaking will allow licensed lottery courier services to purchase and deliver instant tickets to customers. The Commission's current regulations allow a licensed lottery courier service to accept orders to purchase only draw game lottery tickets on behalf of a courier customer. The courier service would then cash lower-level prizes on behalf of the customer and credit the customer's account and deliver to the customer the purchased ticket for any higher-level prize, for the customer to claim directly with the Commission. The proposed amendment would allow a licensed lottery courier service also to accept orders for the purchase of tickets in instant lottery games, which the courier service would then be required to deliver to the courier customer without having played the game or cashed any winning ticket. Allowing licensed lottery courier services to purchase and deliver instant tickets to customers provides the opportunity to raise additional revenue for education in New York.

The proposed rulemaking would also enhance the required warnings to customers to include that the Commission is not responsible for acts, omissions or errors on the part of a licensed lottery courier service that may cause a purchased ticket to fail the Commission's validation requirements; require an incident report be submitted to the Commission in the event a customer reports that a courier service has delivered a ticket that does not comply with the Commission's ticket validation requirements; and sets forth a retention policy for bet tickets that are required to be cancelled if a courier service has not accomplished timely ticket processing.

4. **COSTS:**

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

b. Costs to the regulated agency, the State, and local governments for the implementation and continuation of the rule: No additional operating costs are anticipated. The Commission can administer this using existing resources.

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

6. **PAPERWORK:** There are no changes in paperwork requirements. Licensed lottery courier services will continue to use the existing system and procedures.

7. **DUPLICATION:** There are no relevant State programs or regulations that duplicate, overlap or conflict with the proposed rulemaking.

8. **ALTERNATIVES:** Commission staff previously considered whether to permit the sale of lottery tickets directly to customers through digital methods and determined that a regulated courier services scheme best balances the interests of customers, the lottery and lottery sales agents. This proposed rulemaking would expand the types of lottery tickets that courier services will be able to offer.

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

10. **COMPLIANCE SCHEDULE:** The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rulemaking.

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

The proposed rulemaking will not have any adverse impact on small businesses, local governments, jobs or rural areas. The proposed rulemaking allows licensed lottery courier services to purchase and deliver instant tickets to customers. The Commission's current regulations allow a licensed lottery courier service to accept orders to purchase only draw game lottery tickets on behalf of a courier customer. Allowing licensed lottery courier services to purchase and deliver instant tickets to customers provides the opportunity to raise additional revenue for education in New York.

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

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

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

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

Department of Health

EMERGENCY RULE MAKING

Hospital Non-Comparable Ambulance Acute Rate Add-On

I.D. No. HLT-31-20-00012-E

Filing No. 673

Filing Date: 2020-10-19

Effective Date: 2020-10-19

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

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

Statutory authority: L. 2020, ch. 56

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

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

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

Subject: Hospital Non-Comparable Ambulance Acute Rate Add-On.

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

Text of emergency rule: Pursuant to the authority vested in the Commissioner of Health by section three of part LL of chapter 56 of the Laws of 2020, paragraph (1) of subdivision (1) of section 86-1.15 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to be effective upon filing with the Secretary of State, to read as follows:

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

This notice is intended to serve 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. HLT-31-20-00012-P, Issue of August 5, 2020. The emergency rule will expire December 17, 2020.

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

Regulatory Impact Statement

Statutory Authority:

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

Legislative Objectives:

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

Needs and Benefits:

Based on the requirements of Chapter 56 of the Laws of 2020, eligible ground emergency transportation providers will be provided the ability to participate in a supplemental payment in lieu of receiving reimbursement through a hospital. Article 28 hospitals currently receive reimbursement through their acute hospital inpatient rate for ambulance services provided by the ground emergency medical transportation providers. For ground emergency transportation providers that meet the requirements of this chapter and receive the supplemental payment, the hospitals through

which they were reimbursed will not be eligible to also receive the ambulance add-on in the acute hospital inpatient rate.

Costs:
Costs to Private Regulated Parties:
 There will be no additional costs to private regulated parties.
Costs to State Government:
 There is no cost to State Government for this proposed regulation.
Costs of Local Government:
 There is no cost to Local Government for this proposed regulation.
Costs to the Department of Health:
 There will be no additional costs to the Department of Health as a result of this proposed regulation.

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

Paperwork:
 No additional paperwork is required of providers.

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

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

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

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

A Job Impact Statement is not required pursuant to Section 201-a(2)(a) of the State Administrative Procedure Act. The proposed rule will not have a substantial adverse impact on jobs or employment opportunities, nor does it have adverse implications for job opportunities.

**EMERGENCY
 RULE MAKING**

Hospital Personal Protective Equipment (PPE) Requirements

I.D. No. HLT-44-20-00003-E

Filing No. 674

Filing Date: 2020-10-19

Effective Date: 2020-10-19

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

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

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

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

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

risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

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

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

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

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

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

Subject: Hospital Personal Protective Equipment (PPE) Requirements.

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

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

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

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire January 16, 2021.

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

Regulatory Impact Statement

Statutory Authority:

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

Legislative Objectives:

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

Needs and Benefits:

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

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

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

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

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

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

Costs:

Costs to Regulated Parties:

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

Costs to Local and State Governments:

This regulation will not impact local or State governments unless they

operate a general hospital, in which case costs will be the same as costs for private entities.

Costs to the Department of Health:

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

Paperwork:

This regulation imposes no addition paperwork.

Local Government Mandates:

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

Duplication:

These regulations do not duplicate any State or Federal rules.

Alternatives:

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

Federal Standards:

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

Compliance Schedule:

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

Regulatory Flexibility Analysis

Effect on Small Business and Local Government:

This regulation will not impact local governments or small businesses unless they operate a general hospital. Currently there are five general hospitals in New York that employ less than 100 staff and qualify as small businesses.

Compliance Requirements:

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

Professional Services:

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

Compliance Costs:

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

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

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

Small Business and Local Government Participation:

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

Rural Area Flexibility Analysis

Type and Estimated Numbers of Rural Areas:

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

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

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County

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

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

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

There are 47 general hospitals located in rural areas.

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

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

Compliance Costs:

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

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

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

Rural Area Participation:

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

Job Impact Statement

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

**EMERGENCY
RULE MAKING**

Nursing Home Personal Protective Equipment (PPE) Requirements

I.D. No. HLT-44-20-00011-E

Filing No. 676

Filing Date: 2020-10-20

Effective Date: 2020-10-20

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

Action taken: Amendment of section 415.19 of Title 10 NYCRR.

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

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

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

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

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

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

In order for nursing home staff to safely provide care for residents, while ensuring that they themselves do not become infected with COVID-19, or any other communicable disease, it is critically important that personal protective equipment (PPE), including masks, gloves, respirators, face shields and gowns, is readily available and are used. As a result of global PPE shortages, from the beginning of the COVID-19 outbreak New York State has provided nursing homes and other health care facilities with PPE from the State's emergency stockpile.

Based on the foregoing, and pursuant to the Executive Order No. 202 issued on March 7, 2020, which permits the Commissioner to promulgate emergency regulations governing the operation of nursing homes, the Department has made the determination that this emergency regulation is necessary to ensure that all nursing homes acquire and maintain a 60-day supply of PPE, at rate of usage equal the average daily rate that PPE was used between April 19, 2020 and April 27, 2020, such that sufficient PPE is available in the event of a continuation or resurgence of the COVID-19 outbreak.

Subject: Nursing Home Personal Protective Equipment (PPE) Requirements.

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

Text of emergency rule: Section 415.19 is amended by adding a new subdivision (f) as follows:

(f)(i) *The facility shall possess and maintain a supply of all necessary items of personal protective equipment (PPE) sufficient to protect facility personnel, consistent with federal Centers for Disease Control guidance, for at least 30 days at rate of usage equal to the average daily rate that PPE was used between April 19, 2020 and April 27, 2020 by August 31, 2020, and for at least 60 days at a rate of usage equal to the average daily rate that PPE was used between April 19, 2020 and April 27, 2020 by September 30, 2020; provided, however, that upon request the Department may grant an extension of the deadline to have such sixty day supply to October 30, 2020, at its sole and exclusive discretion, to meet this requirement where the facility demonstrates, to the Commissioner's satisfaction, that:*

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

(B) *the seven-day rolling average of new COVID-19 infections in*

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire January 17, 2021.

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

Regulatory Impact Statement

Statutory Authority:

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

Legislative Objectives:

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

Needs and Benefits:

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

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

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

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

In order for a nursing home's staff to safely provide care for residents, while ensuring that they themselves do not become infected with COVID-19, or any other communicable disease, it is critically important that personal protective equipment (PPE), including masks, gloves, respirators, face shields and gowns, is readily available and are used. As a result of global PPE shortages, from the beginning of the COVID-19 outbreak New York State has provided nursing homes and other health care facilities with PPE from the State's emergency stockpile.

Based on the foregoing, and pursuant to the Executive Order No. 202 issued on March 7, 2020, which permits the Commissioner to promulgate emergency regulations governing the operation of nursing homes, the Department has made the determination that this emergency regulation is necessary to ensure that all nursing homes maintain a 60-day supply of PPE, at rate of usage equal the average daily rate that PPE was used be-

tween April 19, 2020 and April 27, 2020, such that sufficient PPE is available in the event of a continuation or resurgence of the COVID-19 outbreak.

Costs:

Costs to Regulated Parties:

The purpose of this regulation is to require nursing homes to maintain adequate stockpiles of PPE. The initial cost nursing homes as they establish stockpiles of PPE will vary depending on the number of staff working at each nursing home. However, nursing homes will soon be statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12); further, the federal Occupational Health and Safety Administration (OSHA) has recommended that nursing homes ensure that staff have access to sufficient PPE to perform their jobs safely, and employers are currently obligated to pay for personnel PPE pursuant to OSHA regulations at 29 CFR 1910.132(h). Therefore, this regulation imposes no long-term additional costs to regulated parties.

Costs to Local and State Governments:

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

Costs to the Department of Health:

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

Paperwork:

This regulation imposes no addition paperwork.

Local Government Mandates:

Nursing homes operated by local governments will be affected and will be subject to the same requirements as any other nursing home licensed under PHL Article 28.

Duplication:

These regulations do not duplicate any State or Federal rules.

Alternatives:

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

Federal Standards:

No Federal standards apply to stockpiling of such equipment at nursing homes.

Compliance Schedule:

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

Regulatory Flexibility Analysis

Effect on Small Business and Local Government:

This regulation will not impact local governments or small businesses unless they operate a nursing home. Several nursing homes in New York qualify as small businesses given that they operate less than 100 beds.

Compliance Requirements:

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

Professional Services:

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

Compliance Costs:

The purpose of this regulation is to require nursing homes to maintain adequate stockpiles of PPE. The initial cost to nursing homes as they establish stockpiles of PPE will vary depending on the number of staff working at each facility. However, nursing homes will soon be statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12); further, the federal Occupational Health and Safety Administration (OSHA) has recommended that nursing homes ensure that staff have access to sufficient PPE to perform their jobs safely, and employers are currently obligated to pay for personnel PPE pursuant to OSHA regulations at 29 CFR 1910.132(h). Therefore, this regulation imposes no long-term additional costs to regulated parties.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

As these regulations require nursing homes to maintain stockpiles of PPE, consistent with the directive in Public Health Law section 2803(12) for nursing homes to maintain or contract to have at least a two-month supply of PPE, as well as OSHA regulations and recommendations regarding the payment for and provision of PPE, any adverse impacts are expected to be minimal.

Small Business and Local Government Participation:
 Due to the emergent nature of COVID-19, small business and local governments were not consulted.

Rural Area Flexibility Analysis

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

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

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

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

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

Licensed nursing homes are located in these identified rural areas. Reporting, Recordkeeping, and Other Compliance Requirements; and Professional Services:

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

Compliance Costs:
 The purpose of this regulation is to require nursing homes to maintain adequate stockpiles of PPE. The initial cost to nursing homes as they establish stockpiles of PPE will vary depending on the number of staff working at each facility. However, nursing homes will soon be statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12); further, the federal Occupational Health and Safety Administration (OSHA) has recommended that nursing homes ensure that staff have access to sufficient PPE to perform their jobs safely, and employers are currently obligated to pay for personnel PPE pursuant to OSHA regulations at 29 CFR 1910.132(h). Therefore, this regulation imposes no long-term additional costs to regulated parties.

Economic and Technological Feasibility:
 There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:
 As these regulations simply require nursing homes to maintain stockpiles of PPE, which is consistent with the directive in Public Health Law section 2803(12) for nursing homes to maintain or contract to have at least a two-month supply of PPE, as well as OSHA regulations and recommendations regarding the payment for and provision of PPE any adverse impacts are expected to be minimal.

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

Job Impact Statement

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

Public Service Commission

NOTICE OF ADOPTION

Tier 2 Program Under the Clean Energy Standard

I.D. No. PSC-06-20-00014-A

Filing Date: 2020-10-15

Effective Date: 2020-10-15

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

Action taken: On 10/15/20, the PSC adopted an order approving, with modifications, New York State Energy Research and Development Authority's (NYSERDA) petition to create a new Competitive Tier 2 Program.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66(2); Energy Law, section 6-104(5)(b)

Subject: Tier 2 Program under the Clean Energy Standard.

Purpose: To approve, with modifications, NYSEERDA's petition to create a new Competitive Tier 2 Program.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving, with modifications, New York State Energy Research and Development Authority's (NYSERDA) petition to create a new Competitive Tier 2 Program under the Clean Energy Standard. NYSEERDA shall issue, within 120 days of the effective date of the order, a Competitive Tier 2 Solicitation, as discussed in the body of the order. Load serving entities (LSEs) in New York State shall comply with the LSE obligations under Tier 1 and the Competitive Tier 2 program of the Renewable Energy Standard in order to serve their retail customers, as discussing the body of the order. NYSEERDA shall, on or before May 1, 2021, file with the Secretary for public comment and Commission approval an implementation plan describing the Tier 2 Renewable Energy Certificates (RECs) re-sale process, timing, and its interaction with the LSE obligations and reconciliation process, as discussed in the body of the order. NYSEERDA shall, within 90 days of the effective date of this order, provide each effected LSE with the standard Agreement for the Sale of Tier 2 RECs, as discussed in the body of the order. All LSEs are directed to provide NYSEERDA with an executed copy of the standard Agreement for the Sale of Tier 2 RECs within 30 days of receipt of the standard Agreement, which shall be no later than 120 days after the effective date of the order, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(15-E-0302SA41)

NOTICE OF ADOPTION

Electric Metering Equipment

I.D. No. PSC-09-20-00006-A

Filing Date: 2020-10-19

Effective Date: 2020-10-19

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

Action taken: On 10/15/20, the PSC adopted an order approving GridGear Solutions Ltd.'s (GridGear) petition to use the GridGear Meter Model: GG electric meter in residential and commercial submetering applications in New York State.

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

Subject: Electric metering equipment.

Purpose: To approve GridGear's petition to use electric metering equipment in submetering applications in New York State.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving GridGear Solutions Ltd.'s (GridGear) petition to use the GridGear Meter Model: GG electric meter in residential and commercial submetering applications in New York State, 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-0027SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-15-20-00012-A

Filing Date: 2020-10-15

Effective Date: 2020-10-15

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

Action taken: On 10/15/20, the PSC adopted an order approving KeySpan Gas East Corp. d/b/a National Grid's (KEDLI) tariff amendments to P.S.C. No. 1 — Gas, to establish a Firm Gas Demand Response Program.

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

Subject: Tariff amendments.

Purpose: To approve KEDLI's tariff amendments to establish a Firm Gas Demand Response Program.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving KeySpan Gas East Corp. d/b/a National Grid's (KEDLI) tariff amendments to P.S.C. No. 1 – Gas, to establish a Firm Gas Demand Response Program, to become effective on December 1, 2020. KEDLI is directed to file an Implementation Plan providing details regarding participation in the Firm Customer Gas Demand Response Program within seven days of the effective date of the order. KEDLI is directed to file a petition and draft tariff leaves providing details regarding the Firm Customer Gas Demand Response Program for the 2021/2022 winter capability period by June 15, 2021, as described in the body of the order. KEDLI is also directed to file an annual report with the Secretary to the Commission by June 15 of each year as described in the body of this Order, beginning with June 15, 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-0087SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-15-20-00014-A

Filing Date: 2020-10-15

Effective Date: 2020-10-15

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

Action taken: On 10/15/20, the PSC adopted an order approving The Brooklyn Union Gas Company d/b/a National Grid NY's (KEDNY) tariff amendments to P.S.C. No. 12—Gas, to establish a Firm Gas Demand Response Program.

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

Subject: Tariff amendments.

Purpose: To approve KEDNY's tariff amendments to establish a Firm Gas Demand Response Program.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving The Brooklyn Union Gas Company d/b/a National Grid NY's (KEDNY) tariff amendments to P.S.C. No. 12 – Gas, to establish a Firm Gas Demand Response Program, to become effective on December 1, 2020. KEDNY is directed to file an Implementation Plan providing details regarding participation in the Firm Customer Gas Demand Response Program within seven days of the effective date of the order. KEDNY is directed to file a petition and draft tariff leaves providing details regarding the Firm Customer Gas Demand Response Program for the 2021/2022 winter capability period by June 15, 2021, as described in the body of the order. KEDNY is also directed to file an annual report with the Secretary to the Commission by June 15 of each year as described in the body of this Order, beginning with June 15, 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-0086SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-18-20-00014-A

Filing Date: 2020-10-16

Effective Date: 2020-10-16

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

Action taken: On 10/15/20, the PSC adopted an order approving, with modifications, City of Jamestown Board of Public Utilities' (Jamestown) tariff amendments to P.S.C. No. 7 — Electricity, to become effective on November 1, 2020.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve, with modifications, Jamestown's tariff amendments.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving, with modifications, City of Jamestown Board of Public Utilities' (Jamestown) tariff amendments to P.S.C. No. 7 – Electricity. Jamestown is directed to file further revisions to the tariff amendments listed in Appendix A in compliance with the directives in the body of the order on not less than five days' notice, to become effective November 1, 2020. Jamestown is directed to file a plan for disposition of any remaining funds in its Economic Development Fund on or before December 31, 2025. Jamestown is also directed to file a customer engagement plan with the Secretary to the Commission within 90 days of the issuance of the order, 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 Commis-

sion, 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-0151SA1)

NOTICE OF ADOPTION

Program to Facilitate the Development of Renewable Generation in New York

I.D. No. PSC-25-20-00019-A

Filing Date: 2020-10-15

Effective Date: 2020-10-15

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

Action taken: On 10/15/20, the PSC adopted an order approving New York State Energy Research and Development Authority's (NYSERDA) petition to implement a Clean Energy Resources Development and Incentives Program (Build-Ready Program).

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66(2); Energy Law, section 6-104(5)(b)

Subject: Program to facilitate the development of renewable generation in New York.

Purpose: To approve NYSEDA's petition to implement the Build-Ready Program.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving New York State Energy Research and Development Authority's (NYSERDA) petition to implement the Build-Ready Program, a Clean Energy Resources Development and Incentives Program to facilitate the development of renewable generation in New York, including the proposed funding mechanism. NYSEDA shall, within 90 days of the issuance of the order, file an implementation plan that includes the procedures and protocols for establishment and transfer of Build-Ready sites, as discussed in the body of the order. On April 1, 2021, and annually thereafter, NYSEDA shall issue a report describing its achievements in the prior year versus planned achievements, plans for the coming year, an accounting of net proceeds, status of the Clean Energy Fund balances, status on the portfolio of projects under development, a list of sites auctioned for development and the identify of winning bidders, amount of renewable energy production from the auctioned sites, and the amount and type of host community benefits provided. NYSEDA shall conduct a Build-Ready Program review and report no later than April 1, 2025 which shall be made available for public comment. This review will provide an analytical assessment of the Build-Ready Program's progress in meeting the State's clean energy goals, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(15-E-0302SA43)

NOTICE OF ADOPTION

White Paper Modifications

I.D. No. PSC-26-20-00011-A

Filing Date: 2020-10-15

Effective Date: 2020-10-15

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

Action taken: On 10/15/20, the PSC adopted an order, with modifications,

approving modifications to the White Paper on Clean Energy Standard Procurements to Implement New York's Climate Leadership and Community Protection Act (CLCPA).

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66(2), 66-p; Energy Law, section 6-104(5)(b)

Subject: White Paper modifications.

Purpose: To approve, with modifications, CLCPA White Paper modifications.

Substance of final rule: The Commission, on October 15, 2020, adopted an order, with modifications, approving New York State Energy Research and Development Authority (NYSEDA) and the Department of Public Service (Staff) modifications to the White Paper on Clean Energy Standard Procurements to Implement New York's Climate Leadership and Community Protection Act (CLCPA). NYSEDA is authorized to conduct annual Tier 1 solicitations, beginning in 2021, in amounts necessary to ensure that 70% of load in 2030 is served by renewable energy resources, as discussed in the body of the order. NYSEDA is authorized to conduct annual Offshore wind solicitations, beginning in 2021, in amounts necessary to achieve the statewide goal of 9 GW of offshore wind by 2035, as discussed in the body of the order. The White Paper recommendation to create a new Tier 4 within the Clean Energy Standard is adopted consistent with the discussion in the body of the order. NYSEDA shall issue, within 60 days of the effective date of the order, a Tier 4 Solicitation, as discussed in the body of the order. NYSEDA shall file, within 12 months and 60 days of the effective date of the order, an implementation plan for stakeholder comment and Commission approval that includes a description of the Tier 4 compliance obligation calculations, process and structure, as well as a Tier 4 standard purchase agreement as discussed in the body of the order. NYSEDA and Staff shall file any agreement for the procurement of Tier 4 RECs with the Secretary for public comment and Commission approval. NYSEDA shall utilize the investor owned utility backstop mechanism for the purpose of collecting the amounts necessary to cure the New York Power Authority Zero Emissions Credit deficit. NYSEDA shall, within 180 days of the effective date of the order, commence a Great Lakes offshore wind feasibility study, as discussing in the body of the order. The administrative funding and Clean Energy Standard reporting requirements proposed in the White Paper are approved as discussed in the body of the order, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(15-E-0302SA44)

NOTICE OF ADOPTION

Waiver on Tariff Provisions

I.D. No. PSC-28-20-00021-A

Filing Date: 2020-10-15

Effective Date: 2020-10-15

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

Action taken: On 10/15/20, the PSC adopted an order approving The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) and KeySpan Gas East Corporation d/b/a National Grid's (KEDLI) petition for a one-time waiver on non-firm demand response tariff provisions.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Waiver on tariff provisions.

Purpose: To approve KEDNY and KEDLI's petition for a one-time waiver on tariff provisions.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) and KeySpan Gas East Corporation d/b/a National Grid's (KEDLI) petition for a one-time waiver on tariff provisions concerning the assessment of non-compliance penalties against non-firm demand response customers for failure to submit a required affidavit for winter of 2019/2020. KEDNY and KEDLI shall issue notices and penalty

bills to, and conduct inspections of, non-compliant non-firm demand response customers. KEDNY and KEDLI shall reduce the costs recoverable through each Company's respective gas adjustment clause and transportation adjustment charge by the amount of penalties each Company fails to bill to non-compliant customers in the 2020/2021 and future winters. KEDNY and KEDLI shall file with the Secretary, within 60 days of the issuance of the order, a report explaining the processes in effect during the 2019-2020 winter, and the modifications implemented for the 2020-2021 and future winters. KEDNY and KEDLI shall file with the Secretary, on the 10th of each month from November through April of each year, a report regarding the compliance of non-firm demand response customers with the tariffed affidavit requirements, 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-0202SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-28-20-00023-A

Filing Date: 2020-10-19

Effective Date: 2020-10-19

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

Action taken: On 10/15/20, the PSC adopted an order approving 168 Plymouth Street, LLC's (168 Plymouth) notice of intent to submeter electricity at 168 Plymouth Street, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 168 Plymouth's notice of intent to submeter electricity.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving 168 Plymouth Street, LLC's notice of intent to submeter electricity at 168 Plymouth Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(20-E-0143SA1)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-28-20-00024-A

Filing Date: 2020-10-19

Effective Date: 2020-10-19

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

Action taken: On 10/15/20, the PSC adopted an order approving Site 4 DSA Owner LLC's (Site 4 DSA) notice of intent to submeter electricity at 180 Broome Street, New York, New York and request for waiver of 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 Site 4 DSA's notice of intent to submeter electricity and waiver request of 16 NYCRR section 96.5(k)(3).

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving Site 4 DSA Owner LLC's notice of intent to submeter electricity at 180 Broome Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and the request for waiver of 16 NYCRR § 96.5(k)(3), the energy audit and energy efficiency plan requirements, 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-0287SA1)

NOTICE OF ADOPTION

Priority Transmission Projects

I.D. No. PSC-28-20-00026-A

Filing Date: 2020-10-15

Effective Date: 2020-10-15

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

Action taken: On 10/15/20, the PSC adopted an order referring the Northern NY Project to the New York Power Authority (NYPA) as a Priority Transmission Project (PTP) and adopting criteria to determine which bulk transmission investments should be undertaken by NYPA.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66(2); Energy Law, section 6-104(5)(b)

Subject: Priority Transmission Projects.

Purpose: To refer the Northern NY Project to NYPA as a PTP.

Substance of final rule: The Commission, on October 15, 2020, adopted an order referring the Northern New York Project to the New York Power Authority (NYPA) as a Priority Transmission Project, for development pursuant to Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act, and adopts criteria it will apply to determine which bulk transmission investments should be undertaken by NYPA on the grounds that they are needed "expeditiously" to advance the State's clean energy goals, 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-0197SA1)

NOTICE OF ADOPTION

Joint Petition for Internal Financial Restructuring Plan

I.D. No. PSC-29-20-00007-A

Filing Date: 2020-10-16

Effective Date: 2020-10-16

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

Action taken: On 10/15/20, the PSC adopted an order approving, with conditions, Frontier Communications Corporation, et. al.'s (Frontier) joint petition for an internal financial restructuring plan.

Statutory authority: Public Service Law, sections 99(2) and 222

Subject: Joint petition for internal financial restructuring plan.

Purpose: To approve, with conditions, Frontier et. al.'s joint petition for an internal financial restructuring plan.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving, with conditions, Frontier Communications Corporation (Frontier), and subsidiaries Frontier Telephone of Rochester, Inc., Frontier Communications of Seneca-Gorham, Inc., Ogden Telephone Company, Frontier Communications of Sylvan Lake, Inc., Frontier Communications of New York, Inc., Citizens Telecommunications Company of New York, Inc., Frontier Communications of Ausable Valley, Inc., Frontier Communications of Rochester, Inc., and Frontier Communications of America Inc.'s (collectively, the Petitioners) joint petition for the financial restructuring of Frontier, subject to the discussion in the body of the order, and upon receipt by the Commission of certification by Frontier that the Petitioners unconditionally accept and agree to comply with the commitments set forth in the order. Such certification shall be submitted within seven (7) business days of the issuance of the order. If the Petitioners do not unconditionally accept within seven (7) business days of the issuance of the order, the order shall constitute a denial of the joint petition. Within 30 days after final execution of the approved transactions, Frontier shall inform the Secretary to the Commission in writing that the restructuring is complete. If the restructuring is not completed within one year after the issuance of the order, the Commission's authorization shall be deemed rescinded. No costs associated with the restructuring will be allocated to Frontier Communications Corporation's New York Incumbent Local Exchange Companies. Frontier shall invest \$9 million in incremental capital expenditures over a three-year period, commencing in calendar year 2021, to the areas that encompass the 24 central office entities discussed in the body of the order. Within 90 days of the issue date of the order, Frontier shall file, an action plan with the Secretary to the Commission, subject to Commission approval, which will address specific measures and projects to be completed by Frontier in the 24 central office entities and how these will enhance service quality and network reliability. Beginning with the first quarter of 2021, Frontier shall file reports with the Secretary to the Commission on a quarterly basis and through the subsequent 12 quarters, highlighting the measures and projects that have been undertaken in the previous quarter, and anticipated plans for the subsequent quarter. As part of this quarterly report, Frontier shall include the monthly customer trouble report rate (CTRR), monthly total trouble tickets, and percent out-of-service over 24 hours (OOS>24) for all of Frontier's New York central office entities, pursuant to the Commission's Service Standards and the Uniform Measurement Guidelines. Additionally, the quarterly report shall include the monthly data and results for the CTRR Target and OOS>24 Target for each of the 24 central office entities as discussed in the body of the order. These quarterly reports shall be filed within 10 business days of the end of each quarter. Frontier shall also continue monthly CTRR reporting for all New York central office. Commencing with the calendar quarter that begins July 1, 2021, and ending with the quarter that ends June 30, 2023, Frontier shall, within 20 business days of the filing of the quarterly report, present a remedial plan to Department Staff for its review and acceptance, if it does not achieve a CTRR Target of 3.3 per 100 access lines in 90% of the 24 identified central office entity results per quarter or does not restore out-of-service troubles to meet the OOS>24 Target discussed in the body of the order. Commencing with the calendar quarter that begins July 1, 2021, and ending with the quarter that ends June 30, 2023, Frontier shall, within 20 business days of the filing of the quarterly report, file a plan with the Secretary to the Commission, subject to Department Staff's review and acceptance, describing how an additional \$100,000 in capital investment and/or operating expense will be expended over the subsequent two calendar quarters if it does not achieve a customer trouble report rate Target of 3.3 per 100 access lines in 90% of the 24 identified central office entities' results per quarter or does not restore out-of-service troubles to meet the OOS>24 Target for two consecutive calendar quarters, as discussed in the body of the order, 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-C-0267SA1)

NOTICE OF ADOPTION

Economic Development Plan

I.D. No. PSC-29-20-00009-A

Filing Date: 2020-10-16

Effective Date: 2020-10-16

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

Action taken: On 10/15/20, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) modifications to its Electric and Gas Economic Development Plans.

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

Subject: Economic Development Plan.

Purpose: To approve National Grid's modifications to its Electric and Gas Economic Development Plans.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's modifications to its Electric and Gas Economic Development Plans in accord with the discussion in the body of the order, 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-0238SA10)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-29-20-00012-A

Filing Date: 2020-10-19

Effective Date: 2020-10-19

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

Action taken: On 10/15/20, the PSC adopted an order approving 39 Columbia Street Assoc. LLC's (39 Columbia) notice of intent to submeter electricity at 39 Columbia Street, Albany, 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 39 Columbia's notice of intent to submeter electricity.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving 39 Columbia Street Assoc. LLC's notice of intent to submeter electricity at 39 Columbia Street, Albany, New York, located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid, 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-0247SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-29-20-00013-A

Filing Date: 2020-10-19

Effective Date: 2020-10-19

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

Action taken: On 10/15/20, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the City of Oneida, to the City of Oneida.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To approve National Grid's petition to transfer street lighting facilities to the City of Oneida.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's petition to transfer street lighting facilities located within the City of Oneida, to the City of Oneida. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(20-E-0310SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-29-20-00014-A

Filing Date: 2020-10-15

Effective Date: 2020-10-15

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

Action taken: On 10/15/20, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the Town of Clifton Park, to the Town of Clifton Park.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To approve National Grid's petition to transfer street lighting facilities to the Town of Clifton Park.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's petition to transfer street lighting facilities located within the Town of Clifton Park, to the Town of Clifton Park. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(20-E-0312SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-29-20-00015-A

Filing Date: 2020-10-19

Effective Date: 2020-10-19

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

Action taken: On 10/15/20, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the City of Glens Falls, to the City of Glens Falls.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To approve National Grid's petition to transfer street lighting facilities to the City of Glens Falls.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's petition to transfer street lighting facilities located within the City of Glens Falls, to the City of Glens Falls. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(20-E-0311SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-30-20-00007-A

Filing Date: 2020-10-19

Effective Date: 2020-10-19

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

Action taken: On 10/15/20, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) tariff amendments to P.S.C. No. 3 — Electricity, to become effective on November 1, 2020.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve O&R's tariff amendments.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) tariff amendments to P.S.C. No. 3 — Electricity, to allow negotiation and execution of service agreements to provide billing services on behalf of entities that are not provided electric service under any of O&R's Service Classifications or Riders, to become effective on November 1, 2020, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(20-E-0313SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-31-20-00005-A
Filing Date: 2020-10-16
Effective Date: 2020-10-16

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

Action taken: On 10/15/20, the PSC adopted an order approving Village of Freeport’s (Freeport) tariff amendments to P.S.C. No. 9—Electricity, to become effective on November 1, 2020.

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

Subject: Tariff amendments.

Purpose: To approve Freeport’s tariff amendments.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving Village of Freeport’s (Freeport) tariff amendments to P.S.C. No. 9 – Electricity, relating to billing information for residential rental premises, to become effective on November 1, 2020. Freeport is directed to inform its residential customers about the tariff amendments via website postings, social media, and bill messaging. These communications shall occur within 90 days of the issuance of the order. Freeport is also directed to update its communication material to include ongoing messaging regarding PSL § 66-p, within 90 days of the issuance of the order, 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-0029SA16)

NOTICE OF ADOPTION

Issuance of Securities

I.D. No. PSC-31-20-00006-A
Filing Date: 2020-10-16
Effective Date: 2020-10-16

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

Action taken: On 10/15/20, the PSC adopted an order authorizing Rochester Gas and Electric Corporation (RG&E) to issue up to \$650 million of securities through March 31, 2023 and enter into various derivative contracts.

Statutory authority: Public Service Law, section 69

Subject: Issuance of securities.

Purpose: To authorize RG&E to issue \$650 million of securities and into various derivative contracts.

Substance of final rule: The Commission, on October 15, 2020, adopted an order authorizing Rochester Gas and Electric Corporation (RG&E) to issue and sell up to \$650 million of debt in one or more transactions, not later than March 31, 2023. The proceeds from the issuance of these securities shall only be used for a) the acquisition of property, the construction, completion, extension or improvement of RG&E’s facilities or the improvement or maintenance of RG&E’s service within New York State (to the extent such expenditures exceed funds originating from credits to the accumulated deferred income taxes), b) for the discharge or lawful refunding of RG&E’s obligations, or c) to reimburse RG&E’s treasury for equivalent moneys expended for those purposes prior to December 31, 2019, provided that RG&E has kept its accounts and vouchers of such expenditures in such a manner as to enable us to ascertain the amount of moneys so expended and the purposes for which such expenditures were made. This order replaces the authorization granted in the Order Authorizing Issuance of Securities, issued December 18, 2015, in Case 15-M-0326, and the authorization granted in that proceeding is hereby revoked. Within 30 days after the end of each quarter, RG&E shall submit a compliance filing to the Secretary to the Commission containing the elements described

in the body of the order for any security and/or derivative executed during that particular quarter. If RG&E does not issue any securities during that quarterly period, RG&E is still obligated to submit a quarterly compliance filing indicating that no such securities or derivatives were issued, 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-0285SA1)

NOTICE OF ADOPTION

Transfer of Ownership of Transmission Lines

I.D. No. PSC-32-20-00011-A
Filing Date: 2020-10-16
Effective Date: 2020-10-16

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

Action taken: On 10/15/20, the PSC adopted an order approving Mohawk Valley EDGE and National Grid’s petition for authority to transfer ownership of transmission lines and related property located in the Town of Marcy, New York, from EDGE to National Grid.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of ownership of transmission lines.

Purpose: To approve EDGE and National Grid’s petition for a transfer of ownership of transmission lines.

Substance of final rule: The Commission, on October 15, 2020, adopted an order approving Economic Development Growth Enterprises Corporation d/b/a Mohawk Valley EDGE (EDGE) and Niagara Mohawk Power Corporation d/b/a National Grid’s (National Grid) petition to transfer ownership of 1.42 miles of 115 kV double-circuit transmission lines and related property rights, located in the Town of Marcy, New York from EDGE to National Grid, 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-0320SA1)

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

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

I.D. No. PSC-44-20-00004-P

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

Proposed Action: The Commission is considering a proposal filed by Fishers Island Electric Corporation to modify its electric tariff schedule regarding changes to PSL section 66-p relating to billing information for residential rental premises.

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

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

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

Substance of proposed rule: The Commission is considering a proposal by Fishers Island Electric Corporation (Fishers Island or the Company) on October 16, 2020, to amend its electric tariff schedule, P.S.C. No. 2. Fishers Island proposes to establish provisions relating to billing information for residential rental properties in accordance with the recently enacted Public Service Law Section 66-p which became effective on April 18, 2020.

Fishers Island proposes to include language in its electric tariff specifying that the Company shall provide the prospective tenant and landlord or other authorized person of prospective residential premises the total electric charges incurred for the life at such premises, or the preceding two-year period, whichever is shorter, within ten days of receipt of the written request, at no cost to the requestor. The proposed amendments have an effective date of February 1, 2021.

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

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

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

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

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

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

(20-M-0029SP17)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-44-20-00005-P

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

Proposed Action: The Commission is considering the notice of intent of 150 E 78th Street Property Owner LLC to Submeter Electricity at 150 East 78th Street, New York, New York.

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

Subject: 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 filed by 150 E 78th Street Property Owner LLC on September 28, 2020, to submeter electricity at, 150 East 78th Street, New York, New York, located in the territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the notice of intent, 150 E 78th Street Property Owner LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(20-E-0478SP1)

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

Transfer of Property Interests in the Union Falls Hydroelectric Facility

I.D. No. PSC-44-20-00006-P

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

Proposed Action: The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid for authority to transfer property interests in the Union Falls Hydroelectric Facility located in Union Falls, Clinton County, NY.

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

Subject: Transfer of property interests in the Union Falls Hydroelectric Facility.

Purpose: To determine whether to authorize the transfer of the Union Falls Hydroelectric Facility and the proper accounting treatment.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on October 6, 2020 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company), requesting authorization to transfer the Company's interest in the real property and certain improvements comprising the Union Falls Hydroelectric Facility (Facility) to Union Falls Hydropower Limited Partnership.

National Grid states that the proposed transfer is in public interest because the Company would eliminate all risks associated with owning certain land and assets including a high hazard dam and other aging, water-retaining structures. Further, the proposed agreement provides National Grid with perpetual rights and easements to its existing and future Transmission and Distribution assets, and the planned new electric substation within the property boundaries of the Facility. The Purchase and Sale Agreement sets forth a purchase and sale price of \$1,500,000 for the Property.

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

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

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

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

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

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

(20-E-0490SP1)

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

Establishment of the Regulatory Regime Applicable to an Approximately 90.5 MW Electric Generating Facility

I.D. No. PSC-44-20-00007-P

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

Proposed Action: The Commission is considering a petition filed by Mohawk Solar LLC for a lightened regulatory regime in connection with

its approximately 90.5 MW electric generating facility, located in Montgomery County, New York.

Statutory authority: Public Service Law, sections 2(12), (13), (22), 5(1)(b), 64, 65, 66, 67, 68, 69, 69-a, 70, 71, 72, 72-a, 105-114, 114-a, 115, 117, 118, 119-b and 119-c

Subject: Establishment of the regulatory regime applicable to an approximately 90.5 MW electric generating facility.

Purpose: Consideration of a lightened regulatory regime for an approximately 90.5 MW electric generating facility.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition filed by Mohawk Solar LLC (Mohawk Solar) on September 30, 2020, requesting a lightened regulatory regime in connection with the approximately 90.5 MW electric generating facility that Mohawk Solar is developing in Montgomery County, New York.

Mohawk Solar requests an order providing that it will be regulated as an electric corporation under a lightened regulatory regime consistent with that imposed on the owners-operators of other competitive wholesale generators. The Commission is also considering the Applicant's request for a Certificate of Public Convenience and Necessity pursuant to Public Service Law § 68 for authority to develop, construct, and operate the proposed solar electric generating facility.

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

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

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

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

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

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

(20-E-0481SP1)

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

Lease of Right-of-Way and Transfer of Facilities

I.D. No. PSC-44-20-00008-P

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

Proposed Action: The Commission is considering a joint petition filed by Niagara Mohawk Power Corporation d/b/a National Grid and LS Power Grid New York Corporation I to lease and transfer certain facilities.

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

Subject: Lease of right-of-way and transfer of facilities.

Purpose: To determine whether to authorize lease of right-of-way, transfer of facilities and the proper accounting treatment.

Substance of proposed rule: The Public Service Commission (Commission) is considering a joint petition filed on October 7, 2020 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) and LS Power Grid New York Corporation I (LS Power) (collectively the Joint Petitioners), requesting authorization for National Grid to lease certain portions of its existing transmission right-of-way to LS Power and the New York Power Authority (NYPA), and to transfer certain electric transmission facilities to LS Power, along with the proposed ratemaking and accounting treatment associated with the transfers (collectively, the Transfers).

Specifically, National Grid would lease to LS Power and NYPA access to approximately 93 miles of land between Marcy, New York and New Scotland, NY for the price of \$31,050,564.00. Further, National Grid would transfer the ownership of certain transmission property to LS Power based on the undepreciated capital cost of the assets at the time of the applicable closing. As of August 30, 2020, the undepreciated capital cost of such assets, as maintained in National Grid's accounting records, was \$20,445,887.00.

Joint Petitioners state that the lease and the property transfer will provide the majority of the requisite real property interests and, in the case of LS Power, the personal property interests, that are necessary to construct and operate Segment A of transmission facilities proposed in response to a New York Independent System Operator, Inc. solicitation for solutions, issued on February 29, 2016. The solicitation was issued in response to the Commission's December 17, 2015 order in Cases 12-T-0502 declaring a public policy transmission need to reduce transmission constraints and increase system reliability in the Central East and "UPNY/SENY" regions of the State. LS Power and NYPA subsequently filed an application on August 20, 2019, in Case 19-T-0549, seeking a Certificate of Environmental Compatibility and Public Need to construct, operate, and maintain the Project, pursuant to Article VII of the Public Service Law.

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

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

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

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

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

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

(20-E-0491SP1)

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

Notice of Intent to Submeter Electricity and Waiver of Energy Audit Requirement

I.D. No. PSC-44-20-00009-P

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

Proposed Action: The Commission is considering the notice of intent of La Central Owner LLC to Submeter Electricity at 556 and 600 Bergen Avenue, Bronx, New York, and a waiver the requirement of an energy audit in 16 NYCRR section 96.5(k)(3).

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

Subject: Notice of intent to submeter electricity and waiver of energy audit requirement.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by La Central Owner LLC (La Central), on October 9, 2020 to submeter electricity at 556 Bergen Avenue and 600 Bergen Avenue, Bronx, New York 10455, located in the Territory of Consolidated Edison Company of New York, Inc.

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

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

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

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

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

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

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

(20-E-0495SP1)

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

Transfer of Natural Gas Pipeline Facilities and Ownership Interests in Those Facilities, and an Applicable Regulatory Regime

I.D. No. PSC-44-20-00010-P

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

Proposed Action: The Commission is considering a petition filed by EmKey Gathering, LLC, Chautauqua Green Energy, LLC (CGE), and CGE Ventures, LLC to transfer interests in certain natural gas pipeline facilities, and for lightened regulatory treatment of CGE.

Statutory authority: Public Service Law, sections 2(10), (11), 5(1), (2), 5-b, 64, 65, 66, 67, 68, 69, 69-a, 70, 71, 72 and 72-a

Subject: Transfer of natural gas pipeline facilities and ownership interests in those facilities, and an applicable regulatory regime.

Purpose: To ensure appropriate regulatory review, oversight, and action concerning the proposed transfers and the facility owners.

Substance of proposed rule: The Public Service Commission (Commission) is considering a joint petition filed by EmKey Gathering, LLC (EmKey), Chautauqua Green Energy, LLC (CGE), and CGE Ventures, LLC (CGEV) (collectively, the Petitioners) to transfer certain natural gas pipeline facilities pursuant to Section 70 of the Public Service Law (PSL). According to the joint petition, EmKey and CGE have entered into an agreement for the sale of a natural gas pipeline and related facilities from EmKey to CGE.

The joint petition describes the pipeline and related facilities as the Little Valley Gathering System, which is 74 miles long and begins at the National Fuel Gas Supply Interconnect located at the Little Valley Compressor Station in the Town of Little Valley, Cattaraugus County, New York, and runs through the Towns of Randolph, Napoli, Leon, Conewango, and Dayton in Cattaraugus County and the Towns of Poland, Carroll, Ellington, Charlotte, Cherry Creek, and Gerry in Chautauqua County, New York before ending in the Town of Ellery, Chautauqua County. It is comprised of 12-inch, 10-inch, 8-inch, 6-inch, and 4-inch steel pipeline, associated equipment and appurtenances, and the properties and rights-of-way in which the pipeline and equipment are located.

The Petitioners request that the Commission approve the transfer from EmKey to CGE pursuant to PSL § 70. The Petitioners indicate that, irrespective of the transfer, CGE plans to construct a spur from the Chautauqua County landfill to a point in the Town of Ellery to interconnect the Little Valley Gathering System with a renewable natural gas facility. CGE would also develop, construct, and operate the renewable gas facility by converting landfill gas captured at the Chautauqua County Landfill into renewable natural gas, which would be injected into the Little Valley Gathering System.

Following the consummation of this proposed transaction, the owners of CGE, EmKey, and VE Partners LLC, would assign their interests in CGE to CGEV, which is a newly-formed company. The Petitioners request that the Commission issue a declaratory ruling finding that these transfers of interests to CGEV do not require approval, or, in the alternative, that the Commission grant approval of such transfers under PSL § 70. EmKey would continue to operate and maintain the Little Valley Gathering System pursuant to an operating agreement between CGE and EmKey. The joint petition also requests that the Commission approve a lightened regulatory regime for CGE.

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

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

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

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

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

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

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

(20-G-0486SP1)

Workers' Compensation Board

**EMERGENCY
RULE MAKING**

Allowing Telemedicine in Some Circumstances, Supersede Previous Emergency Adoption

I.D. No. WCB-44-20-00001-E

Filing No. 672

Filing Date: 2020-10-19

Effective Date: 2020-10-19

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

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

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

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

Specific reasons underlying the finding of necessity: This amendment is adopted as an emergency measure because the Board wants to avoid health and safety risks that can be avoided through social distancing due to the outbreak of COVID-19, by allowing telemedicine in some circumstances, and to supersede the previous emergency adoption addressing this topic.

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

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

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

325-1.8 Emergency medical aid and telemedicine.

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

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

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

(c) *When medically appropriate, authorized providers who utilize the Official New York State Workers' Compensation Fee Schedule may, when*

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

(d) Providers with the following rating codes may bill the following psychotherapy codes in conjunction with Evaluation and Management codes:

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

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

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

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

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

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

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

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

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires January 16, 2021.

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

Regulatory Impact Statement

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

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

3. Needs and benefits: For social distancing purposes to avoid furthering the outbreak of COVID-19, the emergency adoption allows telemedicine visits in some circumstances to avoid in person visits to authorized providers when medically appropriate, consistent with guidance issued by the Center for Medicaid and Medicare Services. This regulation will permit physicians, nurse practitioners, physician assistants, psychologists, licensed clinical social workers, chiropractors, physical therapists and occupational therapists to treat using telehealth due to COVID-19.

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

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

6. Paperwork: The emergency adoption requires authorized providers to

indicate in their report that the services rendered were through telemedicine due to the outbreak of COVID-19.

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

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

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

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Lake George Park Commission		
LGP-43-20-00005-P	Stream Corridor Protection Regulations for the Lake George Park	Fort William Henry, 48 Canada St., Lake George, NY—January 12, 2021, 4:00 p.m.
Long Island Power Authority		
LPA-37-20-00008-P	Authority’s Annual Budget, as Reflected in the Rates and Charges in the Tariff for Electric Service	Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m. H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
LPA-37-20-00009-P	Consolidated Billing for Community Distributed Generation	Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m. H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
LPA-37-20-00010-P	To Modify the RDM and DSA to Address the Unforeseen Impact of COVID-19	Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m. H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
LPA-37-20-00011-P	New Optional TOU Rates as Proposed in PSEG Long Island’s 2018 Utility 2.0 Filing and Subsequent Filing Updates	Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m. H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
LPA-37-20-00012-P	Authority’s Implementation of Public Service Law Section 66-p in the Tariff for Electric Service	Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m. H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
LPA-37-20-00013-EP	Terms of Deferred Payment Agreements Available to LIPA’s Commercial Customers	Long Island Power Authority, 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—November 18, 2020, 2:00 p.m. H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 19, 2020, 10:00 a.m.
Public Service Commission		
PSC-41-20-00011-P	Major Gas Rate Filing	Department of Public Service, 19th Fl., Board Rm., 3 Empire State Plaza, Albany, NY—December 15, 2020, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-G-0101
PSC-42-20-00006-P	Proposed Major Rate Increase in National Grid’s Delivery Revenues of Approximately \$41.8 Million (or 9.8% in Total Revenues)	Department of Public Service, 19th Fl. Board Rm., 3 Empire State Plaza, Albany, NY—January 6, 2021, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion, the evidentiary hearing date may be rescheduled or postponed. In that

PSC-42-20-00009-P Proposed Major Rate Increase in National Grid’s Delivery Revenues of Approximately \$100.4 Million (or 3.2% in Total Revenues)

event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-G-0381

Department of Public Service, 19th Fl. Board Rm., 3 Empire State Plaza, Albany, NY—January 6, 2021, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)*

*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-E-0380

State, Department of

DOS-37-20-00016-P Siting Permits for Major Renewable Energy Facilities

Jacqueline Vito LoRusso Alumni & Visitor Center, SUNY Buffalo State, 667 Grant St., Buffalo, NY—November 17, 2020, 5:00 p.m.*

Rochester City Hall, City Council Chambers, 30 Church St., Rochester, NY—November 18, 2020, 5:00 p.m.*

Clayton Opera House, 405 Riverside Dr., Clayton, NY—November 19, 2020, 5:00 p.m.*

McDonough Sports Complex, Hudson Valley Community College, North Drive, Troy, NY—November 20, 2020, 5:00 p.m.*

Suffolk County Legislature - William H. Rogers Building, Rose Y. Caracappa Auditorium, 725 Veterans Memorial Hwy., Smithtown, NY—November 23, 2020, 5:00 p.m.*

To register for in-person public statement hearings: Any person wishing to comment on the proposed regulations on the record at the in-person hearings must register by sending an email to General@Ores.ny.gov no later than 5 P.M. on Friday, November 13, 2020. The Administrative Law Judge will use a registration list to call each person who has requested to provide a statement. The hearings will continue until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record. Reasonable time limits may be set for each speaker as necessary to afford all attendees an opportunity to be heard. It is recommended that lengthy comments be submitted in writing and summarized for oral presentation. A verbatim transcript of the hearings will be made for inclusion in the record.

Persons with disabilities requiring special accommodations should call (518) 474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call 1-800-342-3377 for free language assistance services regarding this notice.

Virtual Public Statement Hearings

Electronic Access: www.webex.com, Event Number: 173 227 2771, Password: 11.24PSH, Phone Access: 518-549-0500, Access Code: 173 227 2771—November 24, 2020, 5:00 p.m.*

Electronic Access: www.webex.com, Event Number: 173 845 2365, Password: 11.30PSH, Phone Access: 518-549-0500, Access Code: 173 845 2365—November 30, 2020, 5:00 p.m.*

To register for virtual public statement hearings electronically: Participants who would like to login to a hearing electronically to provide a statement must register to do so by visiting www.webex.com by November 20, 2020, clicking “Join” at the top right-hand corner of the screen, and entering the appropriate event number listed above, and providing all requested information.

When logging in to a hearing on the appropriate date and time of the hearing, participants should visit www.webex.com, click “Join” at the top right-hand corner of the screen, and input the appropriate event number for the hearing. Participants will be asked to “select audio system.” It is recommended that participants opt to have the system “call me” or “call using computer.” The “call me” option will require participants to enter their phone numbers.

To register for virtual public statement hearings by phone: Any participant who is not able to login to a hearing electronically may participate by phone. Call-in participants wishing to provide a statement must register to do so by November 20, 2020 by calling 1-800-342-3330, where they should follow prompts to the appropriate hearing and provide the following information: first and last name, address, and phone number. On the appropriate date and time of a hearing, all call-in users should dial (518) 549-0500 and enter the relevant access code listed above to join the hearing.

All electronic and call-in participants will be muted upon entry into the hearing. The Administrative Law Judge will call each person who has requested to provide a statement to speak. Each public statement hearing will be held open until everyone who has registered to speak has been heard or other reasonable arrangements to submit comments into the record have been made. Time limits may be set for each speaker as necessary. It is recommended that lengthy comments be submitted in writing and summarized for oral presentation. A verbatim transcript of the hearing will be made for inclusion in the record.

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*In the event that a public statement hearing needs to be canceled, rescheduled or postponed, notification of any changes will be available at the ORES Web Site (www.ores.ny.gov).

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

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

AAM-12-20-00006-P 03/25/21	Calibrating and testing of certain weights and measures standards and devices.	To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices.
AAM-21-20-00002-P	..... 05/27/21	Milk and Milk Products	To incorporate federal requirements applicable to the processing and manufacture of milk and milk products

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

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

AUDIT AND CONTROL, DEPARTMENT OF

AAC-43-20-00004-P 10/28/21	Budgets and Financial Plan Format of Public Authorities	Conform regulations related to the submission of annual budgets and financial plans to the Public Authorities Reform Act of 2009
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CHILDREN AND FAMILY SERVICES, OFFICE OF

CFS-46-19-00002-P 12/03/20	Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms	To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-49-19-00001-P	12/03/20	Limits on executive compensation	To remove the soft cap limit on executive compensation
CFS-04-20-00009-P	01/28/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-31-20-00001-EP	08/05/21	To require districts to authorize up to eight hours of child care assistance, as needed, to assist parents or caretakers	To require districts to authorize up to eight hours of child care assistance, as needed, to assist parents or caretakers
CFS-36-20-00001-EP	09/09/21	Define “non-school hours” and “those periods of the year in which school is not in session”	To include virtual and/or remote learning as in school hours
CFS-36-20-00003-P	09/09/21	Requires training on adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency	Requires training on adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency
CIVIL SERVICE, DEPARTMENT OF			
CVS-51-19-00002-P	02/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-51-19-00003-P	02/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-51-19-00004-P	02/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00005-P	02/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00006-P	02/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-51-19-00007-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00008-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00009-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00010-P	02/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-51-19-00011-P	02/01/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-51-19-00012-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00013-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-19-00014-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00003-P	02/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00004-P	02/01/21	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-03-20-00005-P	02/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-03-20-00006-P	02/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-03-20-00007-P	02/01/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-06-20-00001-P	02/11/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-20-00002-P	02/11/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-20-00003-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00004-P	02/11/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00005-P	02/11/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-20-00006-P	02/11/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-06-20-00007-P	02/11/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
CVS-06-20-00008-P	02/11/21	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CVS-13-20-00002-P	04/01/21	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2020
CVS-13-20-00009-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00010-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00011-P	04/01/21	Jurisdictional Classification	To delete positions from the exempt class
CVS-13-20-00012-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00013-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00014-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00015-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-13-20-00016-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00017-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class

Action Pending Index

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-13-20-00018-P	04/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-20-00019-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00020-P	04/01/21	Jurisdictional Classification	To delete positions in the non-competitive class
CVS-13-20-00021-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00022-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00023-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00024-P	04/01/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes.
CVS-13-20-00025-P	04/01/21	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-18-20-00004-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00005-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00006-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00007-P	05/06/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-20-00008-P	05/06/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-18-20-00009-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00010-P	05/06/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-24-20-00002-P	06/17/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-24-20-00003-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00004-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00005-P	06/17/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-20-00006-P	06/17/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-20-00007-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00008-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-24-20-00009-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CORRECTION, STATE COMMISSION OF			
*CMC-35-19-00002-P	02/01/21	Disciplinary and administrative segregation of inmates in special housing.	Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation.
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
*CCS-35-19-00001-RP	02/01/21	Special Housing Units	Revisions have been made in order to be in compliance with new laws regarding special housing units and solitary confinement use
CCS-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
CCS-38-20-00002-P	09/23/21	Parole Revocation Process and Disposition	Harmonize revocation process with recent amendments to conditions and guidelines and clarify certain delinquency dates
CRIMINAL JUSTICE SERVICES, DIVISION OF			
*CJS-30-19-00010-ERP	02/01/21	Use of Force	Set forth use of force reporting and recordkeeping procedures
CJS-19-20-00010-P	05/13/21	Part 364 - Conditional release conditions.	Conform to the recent changes made by the Legislature by removing the term "gravity knife".
CJS-44-20-00002-P	11/04/21	Preliminary Procedure for Article 3 JD Intake, retitled to Probation Services for Article 3 Juvenile Delinquency (JD)	Update existing Rule to reflect services which will be performed by Probation departments
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-09-20-00007-RP	03/04/21	Minority and Women-Owned Business Enterprise Program	Update the regulations of the Division of Minority and Women's Business Development
EDV-37-20-00003-P	09/16/21	Excelsior Jobs program	Update regulations to include newly enhanced tax credits for green economy projects
EDV-41-20-00014-P	10/14/21	The Excelsior Linked Deposit Program	Administration of the Excelsior Linked Deposit Program
EDUCATION DEPARTMENT			
*EDU-17-19-00008-P	02/01/21	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population
*EDU-27-19-00010-P	02/01/21	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
EDU-11-20-00013-RP	03/23/21	Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures	To address volume of special education due process complaints in the New York City due process system
EDU-16-20-00002-ERP	04/22/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-20-20-00008-ERP	05/20/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-25-20-00008-ERP	06/24/21	Eligibility for Participation of Students With Section 504 or ADA Plans in Interschool Competition and Inclusive Athletics	To clarify the eligibility requirements for participation of students with section 504 or ADA plans in interschool competition
EDU-30-20-00002-P	07/29/21	Creating a transitional J Certificate for Military Spouses	To create a Transitional J certificate for spouses of individuals on full-time active duty with the Armed Forces
EDU-30-20-00003-P	07/29/21	Creating Safety Nets for the Arts Content Specialty Tests (CSTs)	To create a safety net for the Arts Content Specialty Tests (CSTs)
EDU-30-20-00004-ERP	07/29/21	Addressing the COVID-19 crisis and planning for the reopening of schools	To provide regulatory flexibility due to the COVID-19 crisis and to plan for the reopening of schools
EDU-30-20-00005-P	07/29/21	Creating a Safety Net for the School Building Leader Assessment	To create a safety net for the School Building Leader Assessment
EDU-39-20-00010-P	09/30/21	Financial Transparency Requirement Reporting Deadlines	To permit the Department to establish the financial transparency reporting requirement deadline administratively
EDU-39-20-00011-P	09/30/21	Continuing Education Requirements for Psychologists	To implement Chapter 436 of the 2018 requiring continuing education for psychologists
EDU-39-20-00012-EP	09/30/21	Addressing the COVID-19 Crisis and the Reopening of Schools	To address the COVID-19 crisis and to prepare for the reopening of schools
EDU-39-20-00013-P	09/30/21	Authorize NY higher education institutions to participate in SARA & the approval of out-of-state institutions to provide distance education	To align the Commissioner's regulations with national SARA policy and federal regulations

ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE

ERD-19-20-00012-P	05/13/21	CO2 Allowance Auction Program	Continued administration and implementation of the CO2 allowance auctions and programs under Part 507
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ENVIRONMENTAL CONSERVATION, DEPARTMENT OF

*ENV-36-19-00003-P	02/01/21	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.
*ENV-37-19-00003-RP	03/03/21	Clarifying determination of jurisdiction under the Endangered and Threatened Fish and Wildlife regulations	To improve the review of projects by removing some project types that are known not to cause harm from the review stream
ENV-04-20-00004-EP	01/28/21	Regulations governing commercial fishing of quota managed species.	To improve efficiency, reduce waste, and increase safety in marine commercial fisheries.
ENV-05-20-00002-P	04/10/21	Sulfur-in Fuel Limitations	Limit sulfur in liquid and solid fuels throughout NYS
ENV-06-20-00018-P	04/16/21	The repeal and replacement of 6 NYCRR Part 230 Gasoline Dispensing Sites and Transport Vehicles	To further reduce harmful volatile organic compounds (VOCs) emitted into the atmosphere.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-06-20-00019-P	04/16/21	Consumer Products	Reduce Volatile Organic Compound emissions from Consumer Products - those products used in the average household.
ENV-06-20-00020-P	04/16/21	New Source Review requirements for proposed new major facilities and major modifications to existing facilities.	To conform to federal NSR rule requirements and related court rulings, correct typographical errors, and clarify rule language.
ENV-12-20-00001-EP	03/25/21	Regulations governing commercial fishing of Tautog (blackfish).	To revise regulations concerning the commercial harvest of Tautog in New York State.
ENV-17-20-00005-P	04/29/21	The above referenced Parts make up the Department's air pollution control permitting program.	The purpose of this rulemaking is to improve the clarity and consistency of the Department's air pollution permitting program
ENV-17-20-00006-P	04/29/21	Emission Statements	The purpose of this rule making is to require electronic submittal of annual emission statements beginning in 2022.
ENV-17-20-00007-P	04/29/21	CO2 Budget trading program	To lower the emissions cap established under Part 242.
ENV-22-20-00004-P	06/03/21	Amendments to New York State mink, muskrat, and beaver trapping season dates	To align existing mink, muskrat and beaver trapping season start dates and adjust the seasons to trapper-preferred dates
ENV-33-20-00005-P	08/19/21	Repeal of Section 485.1	To remove outdated and redundant references in the Department's regulations
ENV-33-20-00007-P	10/20/21	Emissions limits for 2030 and 2050, as a percentage of 1990 levels, required by Climate Leadership and Community Protection Act	To limit greenhouse gas emissions that endanger public health and the environment
ENV-36-20-00002-P	09/09/21	Deer Hunting Seasons	Establish a bow and muzzleloader deer hunting season in the Southern Zone during the Christmas and New Year holiday week
ENV-42-20-00003-EP	10/21/21	Sanitary Condition of Shellfish Lands	To reclassify underwater shellfish lands to protect public health

FINANCIAL SERVICES, DEPARTMENT OF

*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-33-19-00004-RP	02/01/21	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards for Full and Fair Disclosure	To set forth minimum standards for the content of health insurance identification cards.
*DFS-43-19-00017-P	02/01/21	Independent Dispute Resolution for Emergency Services and Surpsise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-36-20-00007-P	09/09/21	Superintendent's Regulations: Information Subject to Confidential Treatment	Provide rules concerning publication or disclosure of information subject to confidential treatment
DFS-39-20-00025-P	09/30/21	Financial Statement Filings and Accounting Practices and Procedures	To make technical corrections and clarifications, add new subdivisions S. 83.4(t) and (u), and update incorporated references
GAMING COMMISSION, NEW YORK STATE			
SGC-33-20-00006-P	08/19/21	Agency rule for the protection of trade secrets submitted to the Gaming Commission	To prescribe the manner of safeguarding against any unauthorized access to records containing trade secrets
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-35-20-00002-P	09/02/21	Addition of feature to the Quick Draw lottery game called "Money Dots"	To raise additional revenue for education
SGC-35-20-00003-P	09/02/21	Triple wager in harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-35-20-00004-P	09/02/21	Restricting NSAID use in Thoroughbred racing	To improve integrity, health and safety of Thoroughbred horse racing
SGC-35-20-00005-P	09/02/21	Furosemide use and practice	To enhance horse racing in New York and generate reasonable revenue for the support of government
SGC-35-20-00006-P	09/02/21	Jackpot Super High Five wager for harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-35-20-00007-P	09/02/21	EIPH protections for Thoroughbred horses	EIPH protections for Thoroughbred horses
SGC-35-20-00008-P	09/02/21	Medical fitness of Thoroughbred horse riders and Steeplechase jockey licensing	To improve the health and safety Thoroughbred pari-mutuel racing
SGC-35-20-00009-P	09/02/21	Backstretch housing standards at racetracks	To enhance the integrity of racing and safety of pari-mutuel racing
SGC-35-20-00010-P	09/02/21	Log of drugs administered by Thoroughbred horse trainers	To enhance the integrity and safety of thoroughbred horse racing
SGC-35-20-00011-P	09/02/21	Pick-six jackpot wager for harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-35-20-00012-P	09/02/21	Restrictions on wagering by key employees of casino vendors	To maintain the integrity of the gaming facilities
SGC-35-20-00014-P	09/02/21	Amend the out-of-competition testing rule for thoroughbred racing	To enhance the integrity and safety of thoroughbred horse racing
SGC-40-20-00001-P	10/07/21	To expressly permit veterinary technicians to practice in horse racing	To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
SGC-44-20-00012-P	11/04/21	Allowing licensed lottery courier services to purchase and deliver lottery tickets to customers	To facilitate the sale of lottery tickets to generate additional revenue for education
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-36-19-00006-P	02/01/21	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
*HLT-40-19-00004-P	02/01/21	Drug Take Back	To implement the State's drug take back program to provide for the safe disposal of drugs
HLT-46-19-00003-P	02/01/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
HLT-47-19-00008-P	02/01/21	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
HLT-47-19-00009-P	02/01/21	Empire Clinical Research Investigator Program (ECRIP)	To expand the types of & change the time frames for past research grants that qualify staff to supervise the ECRIP project.
HLT-51-19-00001-P	02/01/21	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
HLT-53-19-00001-P	01/02/21	Prohibition on the Sale of Electronic Liquids with Characterizing Flavors	To prohibit the sale of electronic liquids with characterizing flavors
HLT-53-19-00012-P	02/01/21	Consumer Directed Personal Assistance Program Reimbursement	To establish a program to pay home care services & establish a methodology framework for the payment of FI administrative costs.
HLT-04-20-00002-P	02/01/21	Reducing Annual Tuberculosis Testing of Health Care Workers	To replace annual tuberculosis testing of health care workers.
HLT-04-20-00003-P	02/01/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
HLT-04-20-00011-P	02/01/21	Nursing Home Case Mix Rationalization	To authorize the Department of Health to change the case mix acuity process for all nursing homes.
HLT-11-20-00003-P	03/18/21	Adult Day Health Care (ADHC)	To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program
HLT-27-20-00005-P	07/08/21	Private Duty Nursing Services to Medically Fragile Children	To amend the Medicaid reimbursement for fee-for-service private duty nursing provided to medically fragile children
HLT-27-20-00006-P	07/08/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-28-20-00019-P	07/15/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP
HLT-31-20-00012-EP	exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
HLT-32-20-00002-EP	08/12/21	Controlled Substances	To ensure access to medicine that was formerly classified as a controlled substance
HLT-38-20-00006-P	09/23/21	Medicaid Transportation Program	Medicaid payment standards for emergency ambulance providers participating in an Emergency Triage, Treat & Transport (ET3) model
HLT-38-20-00008-EP	09/23/21	Revise Requirements for Collection of Blood Components	To facilitate the availability of human blood components while maintaining safety
HLT-39-20-00003-EP	09/30/21	Reduce Hospital Capital Rate Add-on and Reduce Hospital Capital Reconciliation Payment	To include a 5 percent reduction to the budgeted and actual capital add-on in Article 28 hospital inpatient reimbursement rates
HLT-40-20-00002-EP	10/07/21	Hospital Indigent Care Pool Payment Methodology	To develop an indigent care distribution methodology for calendar years through 2022

HOUSING AND COMMUNITY RENEWAL, DIVISION OF

*HCR-21-19-00019-P	02/01/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits.
HCR-26-20-00012-EP	09/09/21	Schedule of Reasonable Costs for Major Capital Improvements in rent regulated housing accommodations	Provide a schedule of reasonable costs for Major Capital Improvements in rent regulated housing accommodations

HOUSING FINANCE AGENCY

*HFA-21-19-00020-P	02/01/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
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JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE

JPE-28-20-00031-P	07/15/21	Source of funding reporting	Clarifying amendments to Source of Funding reporting
JPE-28-20-00032-P	07/15/21	Amendments to the lobbying regulations	To clarify the lobbying regulations that implement the provisions of the Lobbying Act

LABOR, DEPARTMENT OF

LAB-46-19-00004-P	02/01/21	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
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LAKE GEORGE PARK COMMISSION			
LGP-29-20-00006-P	09/22/21	Amendment of Stormwater Regulations within the Lake George Park	To more adequately control and minimize the pollutants found in stormwater runoff from going into Lake George
LGP-43-20-00005-P	01/12/22	Stream corridor protection regulations for the Lake George Park	To establish permit requirements and standards for the protection of stream corridors in the Lake George Park
LAW, DEPARTMENT OF			
LAW-15-20-00017-P	04/15/21	investment advisers defined under GBL § 359-eee	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-15-20-00018-P	04/15/21	Brokers, dealers and salespersons defined under GBL § 359-e	Harmonize regulations with federal law and national standards and facilitate anti-fraud activities and modernize registration.
LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
LPA-37-20-00008-P	exempt	The Authority's annual budget, as reflected in the rates and charges in the Tariff for Electric Service	To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
LPA-37-20-00009-P	..... exempt	Consolidated billing for community distributed generation	To modify the Tariff to offer consolidated billing options for community distributed generation consistent with the NY PSC
LPA-37-20-00010-P	..... exempt	To modify the RDM and DSA to address the unforeseen impact of COVID-19	To modify the Tariff to mitigate high bill impacts and allow for additional expense recovery related to a state of emergency
LPA-37-20-00011-P	..... exempt	New optional TOU rates as proposed in PSEG Long Island's 2018 Utility 2.0 Filing and subsequent filing updates	To incorporate best practices in TOU rate design, reduce peak load, and offer customers new rate options
LPA-37-20-00012-P	..... exempt	The Authority's implementation of PSL § 66-p in the Tariff for Electric Service	To update the Tariff to provide access to historical electric charges billed to a rental property
LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
LONG ISLAND RAILROAD COMPANY			
LIR-39-20-00005-ERP	..... 09/30/21	Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road	To safeguard the public health and safety on terminals, stations and trains operated by Long Island Rail Road
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
MBA-39-20-00007-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
MENTAL HEALTH, OFFICE OF			
OMH-47-19-00001-P	..... 11/19/20	Limits on Executive Compensation	To eliminate "soft cap" restrictions on compensation.
OMH-42-20-00011-EP	..... 10/21/21	Comprehensive Psychiatric Emergency Programs	To provide clarify and provide uniformity relating to CPEPs and to implement Chapter 58 of the Laws of 2020
METRO-NORTH COMMUTER RAILROAD			
MCR-39-20-00004-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad	To safeguard the public health and safety by amending the rules to require use of masks when using Metro-North facilities
METROPOLITAN TRANSPORTATION AGENCY			
MTA-39-20-00009-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company	To safeguard the public health and safety by amending rules to require use of masks when using MTA Bus facilities and conveyance
NEW YORK CITY TRANSIT AUTHORITY			
NTA-39-20-00006-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-39-20-00023-P	..... 09/30/21	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc	To amend procurement guidelines to reflect changes in law and clarifying language
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-29-20-00001-P	..... 07/22/21	Listing of state parks, parkways, recreation facilities and historic sites (facilities). New York City Region	To update the listing of state parks, parkways, recreation facilities and historic sites in the New York City Region
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-35-20-00001-P	..... 09/02/21	Medication regimen review	Provides increased flexibility for providers
PDD-37-20-00004-EP	..... 09/16/21	Day Habilitation Duration	to help providers maintain capacity to operate during the public health emergency
PDD-42-20-00001-P	..... 10/21/21	Crisis Intervention Services for individuals with intellectual/developmental disabilities	Specifies qualifications for providers for the provision of these services and allowance for billing
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-41-20-00009-P	..... exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 Conring Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*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 andthe Customer Trouble Report Rate levels at certain central office entities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*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.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-01-19-00004-P	..... exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-19-19-00014-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-20-19-00015-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility	Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility
*PSC-31-19-00013-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-34-19-00015-P	..... exempt	Major electric rate filing.	To consider a proposed increase in RG&E's electric delivery revenues of approximately \$31.7 million (or 4.1% in total revenues).
*PSC-34-19-00016-P	..... exempt	Major gas rate filing.	To consider a proposed increase in RG&E's gas delivery revenues of approximately \$5.8 million (or 1.4% in total revenues).
*PSC-34-19-00018-P	..... exempt	Major electric rate filing.	To consider a proposed increase in NYSEG's electric delivery revenues of approximately \$156.7 million (10.4% in total revenues).
*PSC-34-19-00020-P	..... exempt	Major gas rate filing.	To consider a proposed increase in NYSEG's gas delivery revenues of approximately \$6.3 million (or 1.4% in total revenues).
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-45-19-00012-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
PSC-48-19-00007-P	..... exempt	Extension of the State Universal Service Fund.	To continue to provide universal service at a reasonable rate in certain service territories.
PSC-50-19-00004-P	..... exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-19-00001-P	..... exempt	SUEZ Water New York Inc.'s acquisition of 100% of Heritage Hills Water Works Corporation's assets.	To determine if the proposed acquisition is in the public interest.
PSC-52-19-00006-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-06-20-00016-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-07-20-00008-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
PUBLIC SERVICE COMMISSION			
PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-09-20-00002-P	..... exempt	Request for waiver of 16 NYCRR 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
PSC-10-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Family Energy, Inc. should be granted a waiver to offer two "green gas" products to mass market customers.
PSC-11-20-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-11-20-00008-P	..... exempt	Revisions to the proration tariff language.	To consider revisions to the proration tariff language under Leaf 18.1, 18 61 to 64 and Leaf 69.
PSC-11-20-00011-P	..... exempt	Application of the Public Service Law to owners of a proposed 345 kilovolt (kV) transmission line providing wholesale services.	To determine whether to apply a lightened regulatory regime to the owners of a proposed 345 kV transmission line.
PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
PSC-12-20-00010-P	..... exempt	Direct Energy, LLC's Green Gas Products.	To consider whether Direct Energy, LLC should be allowed to offer two Green Gas Products to mass market customers.
PSC-13-20-00006-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
PSC-17-20-00008-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Alpha Gas & Electric, LLC should be permitted to offer its Green Gas Program to mass market customers.
PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
PSC-21-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Kiwi Energy NY LLC should be permitted to offer its Green Gas Products to mass market customers.
PSC-21-20-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-21-20-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether IGS Energy should be allowed to offer a Carbon-Neutral Gas Product and a Home Warranty Service Product.
PSC-23-20-00006-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether IDT Energy, Inc. and Residents Energy, LLC should be permitted to offer Green Gas Products in New York.
PSC-23-20-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether American Power & Gas LLC should be permitted to offer its Green Gas Products to mass market customers.
PSC-23-20-00008-P	..... exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.
PSC-23-20-00010-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether AmeriChoice Energy should be permitted to offer its Green Gas Products to mass market customers.
PSC-24-20-00016-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the NRG Retail Companies should be permitted to offer Green Gas Products in New York.
PSC-24-20-00018-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Atlantic Energy, LLC should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-24-20-00020-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether CenStar Energy, Major Energy Services, and Spark Energy Gas should be permitted to offer Green Gas Products.
PSC-25-20-00009-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-25-20-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-20-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-25-20-00014-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether South Bay Energy Corp. should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-25-20-00015-P	..... exempt	Staff whitepaper on a Data Access Framework.	To standardize the necessary privacy and cybersecurity requirements for access to energy-related data.
PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
PSC-25-20-00017-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Marathon Energy should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-25-20-00018-P	..... exempt	Staff's whitepaper proposing an IEDR.	To collect and integrate a large and diverse set of energy-related information and data on one statewide platform.
PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
PSC-28-20-00020-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00025-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-28-20-00027-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioners should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
PSC-29-20-00008-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
PSC-29-20-00011-P	..... exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of Opportunities for Broome, Inc for waiver of Opinion No. 76-17 and 16 NYCRR Part 96.
PSC-30-20-00006-P	..... exempt	Petition to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-31-20-00003-P	..... exempt	Authority to issue and sell promissory notes.	To consider the petition of National Fuel Gas Distribution Corporation to issue up to \$300 million in promissory notes.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-31-20-00004-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-31-20-00008-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Kiwi Energy NY LLC should be permitted to offer its Kiwi Guard product to mass market customers in New York.
PSC-31-20-00010-P	..... exempt	Submetering of electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-31-20-00011-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-32-20-00009-P	..... exempt	Transfer of street light facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-32-20-00010-P	..... exempt	Procurement of Tier 1 RECs.	Management of renewable energy procurements to meet state goals and benefit ratepayers.
PSC-32-20-00012-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-32-20-00013-P	..... exempt	Authorization for RED-Rochester, LLC to incur indebtedness of up to \$200 million.	To ensure that the proposed debt financing is within the public interest.
PSC-32-20-00014-P	..... exempt	The term for retention of a monetary crediting methodology.	To provide sufficient revenues to support financing, realize promised benefits from the project, and repay necessary re-work.
PSC-32-20-00015-P	..... exempt	Petition for waiver of the requirements of 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of St. Paul's Center to master meter and for waiver of 16 NYCRR Part 96.
PSC-32-20-00016-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-32-20-00017-P	..... exempt	Transfer of street light facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-33-20-00003-P	..... exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction
PSC-33-20-00004-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-20-00004-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
PSC-34-20-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-34-20-00007-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Bethel.
PSC-35-20-00015-P	..... exempt	Request for waiver of 16 NYCRR 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-35-20-00016-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-20-00017-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer green gas products to mass market customers in New York.
PSC-36-20-00004-P	..... exempt	Transfer of street lighting facilities.	To consider whether the transfer of street lighting facilities is in the public interest.
PSC-36-20-00005-P	..... exempt	The petition relates to the proposed transfer of membership interests in companies providing gas transportation services.	To consider the requested transfer and, if approved, what regulatory conditions should apply.
PSC-36-20-00006-P	..... exempt	A debt financing arrangement with respect to a proposed 345 kilovolt (kV) transmission line providing wholesale services.	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.
PSC-37-20-00006-P	..... exempt	Con Edison's petition for a proposed Non-Pipeline Solutions portfolio and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-37-20-00014-EP	..... exempt	Postponement of delivery rate, System Improvement Charge (SIC) and RAC/PTR surcharge with make whole starting on April 1, 2021.	To assist customers in a time of hardship by delaying a rate increase and SIC increase and RAC/PTR surcharge implementation.
PSC-38-20-00003-P	..... exempt	Minor Rate Filing	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-39-20-00014-P	..... exempt	Tariff filing.	To determine if New York State Electric & Gas Corporation's tariff filing is consistent with the law and in the public interest.
PSC-39-20-00015-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-39-20-00016-P	..... exempt	Tariff filing.	To determine if Central Hudson Gas & Electric Corporation's tariff filing is consistent with the law and in the public interest.
PSC-39-20-00017-P	..... exempt	Tariff filing.	To determine if National Grid's tariff filing is consistent with the law and in the public interest.
PSC-39-20-00018-P	..... exempt	Tariff filing.	To determine if Rochester Gas and Electric Corporation's tariff filing is consistent with the law and in the public interest.
PSC-39-20-00019-P	..... exempt	Tariff filing.	To determine if Orange and Rockland Utilities, Inc.'s tariff filing is consistent with the law and in the public interest.
PSC-39-20-00020-P	..... exempt	Tariff filing.	To determine if Consolidated Edison Company of New York's tariff filing is consistent with the law and in the public interest.
PSC-39-20-00021-P	..... exempt	Authority to issue to long-term debt.	To consider Corning's request for authority to issue long-term debt.
PSC-39-20-00022-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-40-20-00003-P	..... exempt	NYSEG's petition for a proposed Non-Pipeline Alternatives portfolio of projects and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-40-20-00004-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-20-00005-P	..... exempt	Electric Generation Facility Cessation Mitigation Program Funding	To develop a funding mechanism for the Electric Generation Facility Cessation Mitigation Program.
PSC-40-20-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-40-20-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioner should be permitted to offer green gas and home warranty products to mass market customers.
PSC-40-20-00008-P	..... exempt	A benefit for electric utility customers in communities that host a major renewable energy facility.	To consider a just and reasonable benefit for electric utility customers in renewable host communities.
PSC-40-20-00009-P	..... exempt	Amendments clarifying the sharing of revenue from the Energy Storage Program.	To ensure that Con Edison's tariff is clear regarding sharing of revenue when annual wholesale revenues exceed contract costs.
PSC-40-20-00010-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioner should be permitted to offer green gas and home warranty products to mass market customers.
PSC-41-20-00010-P	..... exempt	Disposition of a \$50 million municipal tax refund.	To consider a disposition of a municipal tax refund for customer and company benefit.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-41-20-00012-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-41-20-00013-P	..... exempt	The proposed transfer of a Certificate of Environmental Compatibility and Public Need.	Consideration of whether the proposed transfer is in the public interest.
PSC-42-20-00006-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$41.8 million (or 9.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-42-20-00007-P	..... exempt	Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.
PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.
PSC-42-20-00009-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$100.4 million (or 3.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-43-20-00003-P	..... exempt	The use of \$50 million to support residential and commercial customers experiencing financial hardship.	To consider whether the proposed support of ratepayers is in the public interest.
PSC-44-20-00004-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-44-20-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-20-00006-P	..... exempt	Transfer of property interests in the Union Falls Hydroelectric Facility.	To determine whether to authorize the transfer of the Union Falls Hydroelectric Facility and the proper accounting treatment.
PSC-44-20-00007-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 90.5 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 90.5 MW electric generating facility.
PSC-44-20-00008-P	..... exempt	Lease of right-of-way and transfer of facilities.	To determine whether to authorize lease of right-of-way, transfer of facilities and the proper accounting treatment.
PSC-44-20-00009-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-44-20-00010-P	..... exempt	Transfer of natural gas pipeline facilities and ownership interests in those facilities, and an applicable regulatory regime.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfers and the facility owners.

STATE, DEPARTMENT OF

DOS-34-20-00003-P 08/26/21	Access to domestic violence and sexual assault awareness education courses	To provide access to domestic violence and sexual assault awareness education courses as mandated by the General Business Law
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE, DEPARTMENT OF			
DOS-37-20-00015-P	09/16/21	Siting of major renewable energy facilities	To establish procedural requirements for permits for siting, construction and operation of major renewable energy facilities
DOS-37-20-00016-P	11/29/21	Siting permits for major renewable energy facilities	To establish uniform standards and conditions for siting, design, construction & operation of major renewable energy facilities
DOS-41-20-00001-P	10/14/21	Public Playground Safety	Update public playground safety standards
STATE UNIVERSITY OF NEW YORK			
SUN-53-19-00005-P	02/01/21	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
SUN-29-20-00004-EP	07/22/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"
SUN-29-20-00005-EP	07/22/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020
SUN-37-20-00002-EP	09/16/21	Appointment of Employees; Eligibility	To allow for the addition of one year to the service limits for current faculty to attain continuing appointment
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
SIR-39-20-00008-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations and trains operated by SIRTOA.	To safeguard the public health and safety by amending rules to require the use of masks when using terminals and stations.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-02-20-00001-EP	02/01/21	Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures	To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts
TAF-33-20-00002-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period October 1, 2020 through December 31, 2020
TAF-38-20-00005-P	09/23/21	New York State and City of Yonkers withholding tables and other methods	To provide current New York State and City of Yonkers withholding tables and other methods
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-16-20-00012-P	04/22/21	New York State Combined Application Project (NYSCAP)	To implement the NYSCAP, a new combined application project for recipients of Supplemental Security Income benefits, who have been designated as Live-Alone by the Social Security Administration and the State-funded SSI State Supplement Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-26-20-00007-P	07/01/21	Supplemental Security Income (SSI) Additional State Payments	To clarify who participates, the intended uses for benefits, that benefits won't be issued once a death is verified, time frames to report and circumstances when underpayment/retroactive benefits will issue, and NYS operates SSP under State rules
TDA-39-20-00024-EP	09/30/21	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-approved SUAs as of 10/1/20
THOROUGHBRED BREEDING AND DEVELOPMENT FUND			
TBD-34-20-00008-P	08/26/21	Residency requirement for dam of New York bred foal	To enable the Fund to improve agriculture and Thoroughbred horse breeding in New York
THRUWAY AUTHORITY, NEW YORK STATE			
THR-01-20-00003-P	02/01/21	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
THR-42-20-00013-P	10/21/21	Amend the Authority's rules in relation to Grand Island Bridges sidewalks and Governor Mario M Cuomo Bridge Shared Use Path	To regulate certain activities on the Grand Island Bridges sidewalks and Governor Mario M Cuomo Bridge Shared Use Path
WORKERS' COMPENSATION BOARD			
WCB-23-20-00004-P	06/10/21	EDI system updates	To require carriers to report certain credits taken for payments to claimants; biannual reports; EDI 3.1 updates
WCB-28-20-00003-EP	07/15/21	Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave	To clarify that employees may take PFL to care for a family member with COVID-19
WCB-42-20-00004-P	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-42-20-00005-P	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-42-20-00010-P	10/21/21	Requesting prior approval for medical treatment and care	To implement an internet portal-based submission and review process
WCB-42-20-00012-P	10/21/21	DME Fee Schedule	To replace DME fee schedule, update fees; create prior authorization process

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

DEMOLISH MASONRY SHED AND WELL CASING Mid-Hudson Psychiatric Center New Hampton, Orange County

Sealed bids for Project No. Q1804-C, comprising a contract for Construction Work, Demolish Masonry Shed & Well Casing, Mid-Hudson Psychiatric Center, 2834 Route 17M, New Hampton (Orange 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, November 4th, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$16,300 for C).

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

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

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

The substantial completion date for this project is 106 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). 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 for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

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

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

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

RESTORE HABITAT

Spicer Creek Wildlife Management Area
Grand Island, Erie County

Sealed bids for Project No. 45572-C, comprising a contract for Construction Work, Habitat Restoration Spicer Creek WMA, Spicer Creek Wildlife Management Area, East River Road, Grand Island (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 Department of Environmental Conservation- Water Resources, until 2:00 p.m. on Wednesday, November 4th, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$46,500 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 Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 261 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). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

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

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

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

REFURBISH TRANSFER STATION BUILDINGS Pilgrim Psychiatric Center West Brentwood, Suffolk County

Sealed bids for Project No. 45784-E, Electrical Work, Refurbish Transfer Station Buildings 81, 82, 83, and 132, Pilgrim Psychiatric Center, 998 Crooked Hill Road, 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, November 4, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$21,800 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 250,000 and \$ 500,000 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 Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination

of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 233 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.

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, or call (518) 474-0203.

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

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

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

NOTICE OF PUBLIC HEARING

Susquehanna River Basin Commission

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on November 5, 2020. Notice of that public hearing was published in the Federal Register on October 7, 2020. In addition to the items listed in that October 7, 2020 Notice, the Commission wishes to supplement that Notice to include additional items. The Commission will also hear testimony on a proposed Use of Lesser Quality Waters Policy as well as proposals to amend its Regulatory Program Fee Schedule.

Due to the COVID-19 situation and the relevant orders in place in the Commission's member jurisdictions, the Commission will hold this hearing telephonically. At this public hearing, the Commission will hear testimony on the projects listed in the October 7, 2020 Notice and the proposals in the Supplementary Information section of this notice. Such projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 11, 2020, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed proposals. The deadline for the submission of written comments is November 18, 2020.

DATES: The public hearing will convene on November 5, 2020, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is November 18, 2020.

ADDRESSES: This hearing will be held by telephone rather than at a physical location. Conference Call # 1-888-387-8686, the Conference Room Code # 9179686050.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423; fax: (717) 238-2436.

Information concerning the proposals discussed in this Notice can

be found at the Commission's web site at www.srbc.net. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at: www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf

SUPPLEMENTARY INFORMATION: The Commission is proposing a new Use of Lesser Quality Waters Policy that would replace its current policy. The Commission is also proposing changes to its Regulatory Program Fee Schedule, which it typically does on an annual basis. This Notice supplements the October 7, 2020 Notice of Public Hearing and the projects listed in that Notice remain a part of the public hearing.

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be subject of a public hearing. Given the telephonic nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.net prior to the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing via telephone will begin at 2:15 p.m. Guidelines for the public hearing are posted on the Commission's website, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <https://www.srbc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before November 18, 2020, to be considered.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 15, 2020

Jason E. Oyler,

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Department of State
F-2020-0513

Date of Issuance – November 4, 2020

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

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

In F-2020-0513 Donald Gelestino proposes the construction of a floating dock assembly consisting of a 4' by 50' walkway 5' by 50' float system with end floats suspended to keep from bottom at 117 Savannah Walk, Oak Beach, NY, 11702, Town of Babylon, Suffolk County, Fire Island Inlet.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0513GelestinoConsistCert.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 November 19, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Avenue, 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-2020-0613

Date of Issuance – Nov. 4, 2020

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

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

In F-2020-0613 Timothy Brown proposes to construct a 15' x 5' shore parallel extension on the western side of the waterward end of the existing 60' long pile dock. In addition, the applicant proposes to install a new boat hoist on the waterward side of the existing open pile dock. The new hoist would be constructed on pilings spaced 15' on each side. Town of Grand Island, Erie County, Niagara River.

* * *

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0574/F-2020-0613BrownConsistCert>

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 December 4, 2020.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Avenue, 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-2020-0695

Date of Issuance – November 4, 2020

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

The applicant has certified that the proposed activities comply with

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

In F-2020-0695 the applicant, Gregory McLean, is proposing to install a 32'x36' covered boat slip over an existing 8'x59'-2 3/8"; add an 8'x36' floating dock; and dredge an area of 2400 square feet to remove a total volume of 190 cubic yards. Project is located at 42992 County Route 100, Town of Orleans, Jefferson County, St. Lawrence River.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0695.pdf>

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

- Wellesley Island Pools Significant Fish and Wildlife Habitat: https://www.dos.ny.gov/opd/programs/consistency/Habitats/GreatLakes/Wellesley_Island_Pools.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 December 4, 2020.

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

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

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

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

2020-0483 Matter of Elvira Meinhold, 109 Fir Street, Lindenhurst, NY 11757, for a variance concerning safety requirements, including the height under a girder/soffit involved is an existing one-family dwelling located at 109 Fir Street, Village of Lindenhurst, NY 11757, County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

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

2020-0487 Matter of John R. Bracco, Architect P.C., 111 Railroad Avenue, Sayville, NY 11782, for a variance concerning safety requirements, including the height under a girder/soffit involved is an existing one-family dwelling located at 94 Ackerly Lane, Lake Ronkonkoma, Town of Brookhaven, NY 11779, County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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

2020-0488 In the matter of Exyte, US, Inc., Peter Mehlretter, 201 Fuller Road, Suite 401, Albany, NY 12203, for SUNY – IT MARCY concerning building code and fire safety requirements including using OSHA ship ladders in lieu of stairs to access ceiling platforms.

Involved is the construction of a manufacturing facility, known as “Cree Wilfspeed Mohawk Valley Fab”, located at 5757 Marcy – SUNY IT Parkway, Town of Marcy, County of Oneida, New York.

2020-0489 In the matter of Dianne Bickerton, 6888 State Route 281, Preble, NY 13141, concerning building code and fire safety requirements appeal of denied building permit.

Involved is the construction of an enclosed residential swimming pool for year-round use, located at 6888 State Route 281, Town of Preble, County of Courtland, New York.

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: September 1-30, 2020.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists 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. Federal Bureau of Prisons – Federal Correctional Institution at Loretto, GF Certificate No. GF-202009111, Allegheny Township and Borough of Loretto, Cambria County, Pa.; Well 1 and consumptive use; Issue Date: September 10, 2020.

2. Troy Borough – Troy Borough Water Department, GF Certificate No. GF-202009112, Troy Borough, Bradford County, Pa.; Wells 1, 2, and 3; Issue Date: September 10, 2020.

3. Weaverland Valley Authority – Blue Ball Water System, GF Certificate No. GF-202009113, East Earl Township, Lancaster County, Pa.; Wells 1, 2, and 3; Issue Date: September 10, 2020.

4. Virginia and Larry Morton – Virginia and Larry Morton Farms, GF Certificate No. GF-202009114, Porter Township, Schuylkill County, Pa.; Wiconisco Creek; Issue Date: September 10, 2020.

5. City of Oneonta – Public Water Supply System, GF Certificate No. GF-202009115, City and Town of Oneonta, Otsego County, N.Y.; Wilber Lake/Lower Reservoir; Issue Date: September 10, 2020.

6. The Municipal Authority of the Borough of Berlin – Public Water Supply System, GF Certificate No. GF-202009116, Allegheny Township, Somerset County, Pa.; Well 6; Issue Date: September 18, 2020.

7. Iron Masters Country Club, GF Certificate No. GF-202009117, Bloomfield Township, Bedford County, Pa.; Wells 10 and 14; Issue Date: September 18, 2020.

8. Sinking Valley Country Club, GF Certificate No. GF-202009118,

Tyrone Township, Blair County, Pa.; 14th Fairway Well and 8th Tee Well; Issue Date: September 18, 2020.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: October 15, 2020

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: September 1-30, 2020.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission’s approval by rule process set forth in 18 CFR § 806.22 (f)(13) and 18 CFR § 806.22 (f) for the time period specified above:

Water Source Approval – Issued Under 18 CFR 806.22(e):

1. Warrior Trail Properties, LLC; Project Schooner; ABR-202009005; Hazle Township, Luzerne County, Pa.; Consumptive Use of Up to 1.400 mgd; Approval Date: September 4, 2020.

Water Source Approval – Issued Under 18 CFR 806.22(f):

Chief Oil & Gas, LLC; Pad ID: Allen Drilling Pad #1; ABR-201009002.R2; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 3, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Alberta; ABR-201009007.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.50000 mgd; Approval Date: September 3, 2020.

Diversified Production, LLC; Pad ID: Phoenix C; ABR-201006114.R2; Duncan Township, Tioga County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 3, 2020.

Blackhawk Energy LLC; Pad ID: Shannon Todd Pad A; ABR-201009006.R2; Todd Township, Huntingdon County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: September 3, 2020.

ARD Operating, LLC; Pad ID: COP Tr 344 Pad A; ABR-20100694.R2; Noyes Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 3, 2020.

Rockdale Marcellus, LLC; Pad ID: Zeaffla 747; ABR-20100682.R2; Jackson Township, Lycoming County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: September 3, 2020.

ARD Operating, LLC; Pad ID: COP Tr 342 A; ABR-20100695.R2; Beech Creek Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 7, 2020.

XTO Energy, Inc.; Pad ID: MARQUARDT 8534H; ABR-20100664.R2; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 8, 2020.

Seneca Resources Company, LLC; Pad ID: C09-J; ABR-201507002.R1; Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 8, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Connell; ABR-201009084.R2; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.50000 mgd; Approval Date: September 10, 2020.

Chesapeake Appalachia, L.L.C.; Pad ID: Decker Farms; ABR-201009037.R2; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 10, 2020.

ARD Operating, LLC; Pad ID: Robert C. Ulmer Pad A; ABR-201007049.R2; Watson Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 14, 2020.

Repsol Oil & Gas (USA), LLC; Pad ID: YURKANIN (03 014) J; Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 14, 2020.

ARD Operating, LLC; Pad ID: COP 551 Pad B; ABR-202009001; Cascade Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 14, 2020.

ARD Operating, LLC; Pad ID: Chapman Bohlin Pad A; ABR-202009002; Cascade Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 14, 2020.

Cabot Oil & Gas Corporation; Pad ID: RozellC P1; ABR-20100542.R2; Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 16, 2020.

Cabot Oil & Gas Corporation; Pad ID: HullR P2; ABR-20100612.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 16, 2020.

LPR Energy, LLC; Pad ID: Shannon Land & Mining Drilling Pad #1; ABR-20100628.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 25, 2020.

ARD Operating, LLC; Pad ID: Ann M. Mercier Pad A; ABR-201007071.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 25, 2020.

LPR Energy, LLC; Pad ID: Lightner Drilling Pad #1; ABR-201007045.R2; Juniata Township, Blair County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 28, 2020.

SWN Production Company, LLC; Pad ID: Robinson; ABR-20100653.R2; Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 28, 2020.

Cabot Oil & Gas Corporation.; Pad ID: Griffiths J P1; ABR-202009004; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 28, 2020.

Approvals By Rule – Revoked Under 18 CFR 806.22(f):

EQT Production Company; Pad ID: Phoenix B; ABR-201511003; Morris Township, Tioga County, Pa.; Revocation Date: September 22, 2020.

Rockdale Marcellus, LLC; Pad ID: Zeafra 747; ABR-20100682.R2; Jackson Township, Lycoming County, Pa.; Revocation Date: September 28, 2020.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 15, 2020

Jason E. Oyler,

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Susquehanna River Basin Commission

Projects Approved for Minor Modifications

SUMMARY: This notice lists the minor modifications approved for a previously approved project by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: September 1-30, 2020.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR 806.18 or to Commission Resolution Nos. 2013-11 and 2015-06 for the time period specified above:

Minor Modification Issued Under 18 CFR § 806.18

1. Tulpehocken Spring Water, Inc., Docket No. 20200315, Sugarloaf and Benton Townships, Columbia County, Pa.; approval authorizing

the additional water use purpose of bulk supply for hydrostatic testing; Approval Date: September 1, 2020.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 15, 2020

Jason E. Oyler,

General Counsel and Secretary to the Commission.

EXECUTIVE ORDERS

Executive Order No. 147.40: Amendment to Executive Order 147 – A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers.

In view of the request of Attorney General Letitia James, my order and requirement, embodied in Executive Order Number one hundred and forty-seven, dated July 8, 2015, is hereby amended to include an additional paragraph to the penultimate paragraph as amended by Executive Order Numbers 147.1 - 147.39 to read as follows:

FURTHER, the requirement imposed on the Special Prosecutor by this Executive Order shall include the investigation and, if warranted, prosecution:

(nn) of any and all unlawful acts or omissions or alleged unlawful acts or omissions by any law enforcement officer, as listed in subdivision 34 of section 1.20 of the Criminal Procedure Law, arising out of, relating to, or in any other way connected with the death of Delroy Morris on July 26, 2020, in Kings County.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this seventh day of October in the year two thousand twenty.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 202.67: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find that a disaster continues to exist for which affected state agencies and local governments are unable to respond adequately. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, I hereby continue the declaration of the State Disaster Emergency effective March 7, 2020, as set forth in Executive Order 202. This Executive order shall remain in effect until November 3, 2020.

IN ADDITION, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, or to provide any directive necessary to respond to the disaster, do hereby continue the suspensions and modifications of law, and

any directives not superseded by a subsequent directive contained in Executive Orders 202 up to and including 202.21, and 202.27, 202.28, 202.29, 202.30, 202.38, 202.39, 202.40, 202.48, 202.49, 202.50, 202.55 and 202.55.1, as extended, and Executive Order 202.60 for another thirty days through November 3, 2020, except:

- Subdivision 1 of Section 491 of the Vehicle and Traffic law, to the extent that it provides for a period of validity and expiration of a non-driver identification card, shall no longer be suspended or modified as of November 3, 2020;
- Sections 401.410, 2222, 2251, 2251, and 2282(4) of the Vehicle and Traffic law, to the extent that it provides for a period of validity and expiration of a registration certificate or number plate for a motor vehicle or trailer, a motorcycle, a snowmobile, a vessel, a limited use vehicle, and an all-terrain vehicle, shall no longer be suspended or modified as of November 3, 2020;
- Section 420-a of the Vehicle and Traffic law, to the extent that it provides an expiration for temporary registration documents issued by auto dealers shall no longer be suspended or modified as of November 3, 2020; and
- The suspension in Executive Order 202.8, as modified and extended in subsequent Executive Orders, that tolled any specific time limit for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding as prescribed by the procedural laws of the state, including but not limited to the criminal procedure law, the family court act, the civil practice law and rules, the court of claims act, the surrogate's court procedure act, and the uniform court acts, or by any statute, local law, ordinance, order, rule, or regulation, or part thereof is hereby continued, as modified by prior executive orders, provided however, for any civil case, such suspension is only effective until November 3, 2020, and after such date any such time limit will no longer be tolled, and provided further:
 - o The suspension and modification of Section 30.30 of the criminal procedure law, as continued and modified in EO 202.60, is hereby no longer in effect, except for felony charges entered in the counties of New York, Kings, Queens, Bronx, and Richmond, where such suspension and modification continues to be effective through October 19, 2020; thereafter for these named counties the suspension is no longer effective on such date or upon the defendant's arraignment on an indictment, whichever is later, for indicted felony matters, otherwise for these named counties the suspension and modification of Section 30.30 of the criminal procedure law for all criminal actions proceeding on the basis of a felony complaint shall no longer be effective, irrespective, 90 days from the signing of this Executive order on January 2, 2021.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fourth day of October in the year two thousand twenty.

BY THE GOVERNOR
/S/ Andrew M. Cuomo

/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 202.68: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, or to provide any directive necessary to respond to the disaster, do hereby continue the suspensions and modifications of law, and any directives not superseded by a subsequent directive contained in Executive Orders 202.31, 202.41, 202.42, 202.43, 202.51, 202.52, 202.56, as contained in Executive Order 202.63, and Executive Orders 202.61 and 202.62 for another thirty days through November 5, 2020, and I hereby temporarily suspend or modify the following from the date of this Executive Order through November 5, 2020:

- Sections 12 and 206 of the Public Health Law, to the extent necessary to, notwithstanding any other provision of this Executive Order, provide that any individual who encourages, promotes or organizes a non-essential gathering as set forth in Department of Health regulation, shall be liable for a civil penalty not to exceed \$15,000 per day; and
- Sections 12-a and 206(4) of the Public Health Law, to the extent necessary to authorize, at the direction of the Commissioner of Health or the Commissioner's representative, any local government official to assess, and the local government to retain, a civil penalty for violations of Executive Orders issued pursuant to Section 29-A of the Executive Law, or any regulations of the Department of Health, that impose requirements pertaining to maintaining social distance and wearing of face coverings, for the duration of this disaster emergency, and to conduct any hearing related to such penalties. Such penalties, if assessed on an individual basis, shall not exceed \$1,000 per violation, except as otherwise provided herein.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I do hereby issue the following directives through November 5, 2020:

- The Department of Health shall determine areas in the State that require enhanced public health restrictions based upon cluster-based cases of COVID-19 at a level that compromises the State's containment of the virus. Certain activities shall be restricted and any permitted activities, in all three zones below, shall be conducted in strict adherence to Department of Health guidance.
 - o Based upon the severity of the cluster activity, the Department of Health shall adopt in the most severe, or "red zones," the following mitigation measures:
 - Non-essential gatherings of any size shall be postponed or cancelled; all non-essential businesses, as determined by the Empire State Development Corporation based upon published guidance, shall reduce in-person workforce by 100%; houses of worship shall be subject to a capacity limit of 25% of maximum occupancy or 10 people, whichever is fewer; any restaurant or tavern shall cease serving patrons food or beverage on-premises and may be open for takeout or delivery only;

and the local Department of Health shall direct closure of all schools for in-person instruction, except as otherwise provided in Executive Order.

- o In moderate severity warning areas or "orange zones" the following mitigation measures:
 - Non-essential gatherings shall be limited to 10 people; certain non-essential businesses, for which there is a higher risk associated with the transmission of the COVID-19 virus, including gyms, fitness centers or classes, barbers, hair salons, spas, tattoo or piercing parlors, nail technicians and nail salons, cosmetologists, estheticians, the provision of laser hair removal and electrolysis, and all other personal care services shall reduce in-person workforce by 100%; houses of worship shall be subject to a maximum capacity limit of the lesser of 33% of maximum occupancy or 25 people, whichever is fewer; any restaurant or tavern shall cease serving patrons food or beverage inside on-premises but may provide outdoor service, and may be open for takeout or delivery, provided however, any one seated group or party shall not exceed 4 people; and the local Department of Health shall direct closure of all schools for in-person instruction, except as otherwise provided in Executive Order.
- o In precautionary or "yellow zones," the following mitigation measures:
 - Non-essential gatherings shall be limited to no more than 25 people; houses of worship shall be subject to a capacity limit of 50% of its maximum occupancy and shall adhere to Department of Health guidance; any restaurant or tavern must limit any one seated group or party size to 4 people; and the Department of Health shall issue guidance by October 9, 2020 regarding mandatory testing of students and school personnel, and schools shall adhere to such guidance.
- The above directive shall be effective immediately, and at such time as notice is provided to such affected areas, may be enforced and shall be enforced no later than Friday, October 9, 2020, as determined by the county in which the red zones, orange zones, and yellow zones are located:

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this sixth day of October in the year two thousand twenty.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor