
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Amendment to Community Guardian Program Regarding Who Can Complete the Annual Evaluation or Examination
- Use of Force
- Property Tax Levy Limits for School Districts in Relation to Certain Costs Resulting from Capital Local Expenditures

Availability of State and Federal Funds

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 17, 2021
- the 45-day period expires on January 2, 2021
- the 30-day period expires on December 18, 2020

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

For press and media inquiries call:
(518) 474-0050

For *State Register* production, scheduling and subscription information
call: (518) 474-6957
E-mail: adminrules@dos.ny.gov

For legal assistance with *State Register* filing requirements
call: (518) 474-6740
E-mail: dos.dl.inetcounsel@dos.ny.gov

The *New York State Register* is now available on-line at:
www.dos.ny.gov/info/register.htm



The New York State Register (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The *New York State Register* is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to NY STATE REGISTER, the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

 printed on recycled paper

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

Each paid subscription to the *New York State Register* includes one weekly issue for a full year and four "Quarterly Index" issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

The *Register* costs \$80 a year for a subscription mailed first class and \$40 for periodical (second) class. Prepayment is required. To order, send a check or money order payable to the NYS Department of State to the following address:

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957

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

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

Rule Making Activities

Agriculture and Markets, Department of

1 / Milk and Milk Products (A)

Children and Family Services, Office of

2 / Limits on Executive Compensation (A)

2 / Amendment to Community Guardian Program Regarding Who Can Complete the Annual Evaluation or Examination (P)

3 / Behavior Health Services for Foster Kids in Congregate Facilities, Elimination of Room Isolation and Operation De-escalation Rooms (RP)

Criminal Justice Services, Division of

6 / Erratum

6 / Use of Force (ERP)

Environmental Conservation, Department of

10 / Emission Statements (A)

Health, Department of

14 / Empire Clinical Research Investigator Program (ECRIP) (A)

People with Developmental Disabilities, Office for

14 / Medication Regimen Review (A)

Public Service Commission

14 / Recommendations of the DPS Staff Report to Improve Hudson Valley Water's Service (P)

15 / Notice of Intent to Submeter Electricity (P)

15 / Amendments to the SIR (P)

16 / Compliance of New York Transco LLC with the Applicable Portions of the Electric Safety Standards (P)

16 / Compliance Report by Electric Utilities on Developing Distribution and Local Transmission in Accordance with the AREGCB Act (P)

17 / Proposed Public Policy Transmission Needs/Public Policy Requirements, As Defined Under the NYISO Tariff (P)

Taxation and Finance, Department of

17 / Property Tax Levy Limits for School Districts in Relation to Certain Costs Resulting from Capital Local Expenditures (E)

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

19 / Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith (P)

Temporary and Disability Assistance, Office of

20 / Payment Access Cards (P)

Thoroughbred Breeding and Development Fund

22 / Residency Requirement for Dam of New York Bred Foal (A)

Hearings Scheduled for Proposed Rule Makings / 24

Action Pending Index / 29

Advertisements for Bidders/Contractors

81 / Sealed Bids

Notice of Availability of State and Federal Funds

87 / Housing Trust Fund Corporation

Miscellaneous Notices/Hearings

89 / Notice of Abandoned Property Received by the State Comptroller

89 / Public Notice

RULE MAKING ACTIVITIES

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

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

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

Department of Agriculture and Markets

NOTICE OF ADOPTION

Milk and Milk Products

I.D. No. AAM-21-20-00002-A

Filing No. 707

Filing Date: 2020-10-30

Effective Date: 2020-11-18

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

Action taken: Amendment of Part 2 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 16, 18, 46-a, 50-k, 71-a and 71-n

Subject: Milk and milk products.

Purpose: To incorporate Federal requirements applicable to the processing and manufacturing of milk and milk products.

Substance of final rule: The Proposed rule will amend 1 NYCRR Part 2, as follows:

1. Section 2.1, “Applicability”, will be amended to incorporate by reference certain subparts of Title 21 of the Code of Federal Regulations Part 117, headed “Current Good Manufacturing Practice, Hazard Analysis, and risk – based preventive controls for Human Food” (“21 CFR Part 117”).

2. Section 2.29, “Definitions”, will be amended to add definitions of terms used in provisions of 21 CFR Part 117 that the proposed rule will incorporate by reference or terms of 21 CFR Part 117 that the proposed rule will incorporate by reference or terms used in amendments to sections of 1 NYCRR Part 2 that reflect and repeat similar requirements set forth in 21 CFR Part 117.

3. Section 2.30, “Floors-Walls and Ceilings-Construction”, will be amended to update provisions relating to floors, walls, and ceiling construction so that they reflect and repeat the complimentary provisions in 21 CFR Part 117.

4. Section 2.31, “Doors and Windows”, will be amended to update provisions relating to the entry of vermin so that they reflect and repeat the complimentary provisions in 21 CFR Part 117.

5. Section 2.32, “Lighting and Ventilation”, will be amended to update provisions relating to lighting and ventilation so that they reflect and repeat the complimentary provisions in 21 CFR Part 117.

6. Section 2.33, “Separate Rooms”, will be amended to update provisions relating to the construction and operation of milk plants so that they reflect and repeat the complimentary provisions in 21 CFR Part 117.

7. Section 2.34, “Toilet-Sewage Disposal Facilities”, will be amended to update the provisions relating to toilet facilities, plumbing, and sewage/liquid waste disposal so that they reflect and repeat the complimentary provisions in 21 CFR Part 117.

8. Section 2.35, “Water Supply”, will be amended to update the provisions relating to a milk plant’s water and ice supply to, specifically, prevent allergen cross-contamination, so that they reflect and repeat the complimentary provisions in 21 CFR Part 117.

9. Section 2.36, “Hand-Washing Facilities”, will be amended to update provisions relating to hand washing facilities, specifically to ensure they are located and designed in such a manner to ensure that employees’ hands are not a source of contamination, so that they reflect and repeat the complimentary provisions in 21 CFR Part 117.

10. Section 2.37, “Milk Plant Cleanliness”, will be amended to update the provisions relating to milk plant cleanliness, specifically to prevent adulteration, allergen cross-contact, and contamination of food, food-contact surfaces, and food-packaging materials, so that they reflect and repeat the complimentary provisions in 21 CFR Part 117.

11. Section 2.39, “Construction and Repair of Containers and Equipment”, will be amended to update provisions relating to the construction, holding, and installation of containers, equipment, and utensils so that they reflect and repeat the complimentary provisions in 21 CFR Part 117.

12. Section 2.40, “Cleaning and Sanitizing of Containers and Equipment”, will be amended to update provisions relating to the proper cleaning of equipment including, food contact equipment, and utensils, so that they reflect and repeat the complimentary provisions in 21 CFR Part 117.

13. Sections 2.41 and 2.42, “Storage of Cleaned Containers and Equipment” and “Storage of Single-Service Containers, Utensils and Materials”, respectively, will be amended to update provisions relating to those matters, specifically to prevent allergen cross-contact and contamination, so that they reflect and repeat the complimentary provisions in 21 CFR Part 117.

14. Section 2.43, “Protection from Contamination”, will be amended to update the provisions relating to the proper maintenance of the milk plant, to add requirements applicable to the proper storage, use, and quality of raw materials and toxic materials, and to add requirements applicable to human food by-products to be used as animal food, so that they reflect and repeat the complimentary provisions in 21 CFR Part 117.

15. Section 2.44, “Pasteurization”, will be amended to update the provisions that set forth pasteurization time/temperature tables so that they accurately reflect correct time/temperature requirements for batch pasteurization and continuous flow pasteurization.

16. Section 2.49, “Cooling of Milk”, will be amended to add requirements applicable to temperature measuring or recording devices in freezer and cold storage compartments used to store and hold food that reflect and repeat similar requirements set forth in 21 CFR Part 117.

17. Section 2.52, “Personnel-Cleanliness”, will be amended to update personnel hygienic requirements to protect against allergen cross-contact and contamination of food to reflect and repeat similar requirements set forth in 21 CFR Part 117.

18. Section 2.54, “Surroundings”, will be amended to update requirements applicable to maintenance of the exteriors of milk plants to reflect and repeat similar requirements set forth in 21 CFR Part 117.

19. Section 2.65, "Personnel Health", will be amended to add requirements applicable to personnel health, to prevent possible contamination of equipment and to food, that reflect and repeat similar requirements set forth in 21 CFR Part 117.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 2.29, 2.30, 2.32(a), 2.33(f)(2), 2.35(a)(2), 2.43 and 2.44(a).

Text of rule and any required statements and analyses may be obtained from: Casey McCue, Director, Division of Milk Control, Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 457-1772, email: casey.mccue@agriculture.ny.gov

Revised Job Impact Statement

Changes made to the last published rule do not necessitate revision to the previously published Statement in lieu of Job Impact Statement.

Assessment of Public Comment

The agency received no public comment.

Office of Children and Family Services

NOTICE OF ADOPTION

Limits on Executive Compensation

I.D. No. CFS-49-19-00001-A

Filing No. 704

Filing Date: 2020-10-29

Effective Date: 2020-11-18

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

Action taken: Amendment of sections 165-5.6, 166-5.5 and 166-5.6 of Title 9 NYCRR; amendment of sections 409.5 and 409.6 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f); Executive Order Number 38

Subject: Limits on executive compensation.

Purpose: To remove the soft cap limit on executive compensation.

Text or summary was published in the December 4, 2019 issue of the Register, I.D. No. CFS-49-19-00001-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Amendment to Community Guardian Program Regarding Who Can Complete the Annual Evaluation or Examination

I.D. No. CFS-46-20-00001-P

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

Proposed Action: Amendment of section 457.12(d) of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20 and 34

Subject: Amendment to community guardian program regarding who can complete the annual evaluation or examination.

Purpose: Amendment to community guardian program regarding who can complete the annual evaluation or examination.

Text of proposed rule: Paragraph 6 of section 457.12(d) of Title 18 is amended to read as follows:

(6) the community guardian program [will] *shall* obtain [annual assessments from two qualified psychiatrists or one qualified psychiatrist and one qualified psychologist who are independent of the community guardian program for each person for whom it serves as guardian to determine whether continuation of such service is necessary] *annually a statement prepared by an independent physician, psychologist, nurse clinician, social worker or other person evaluating the condition and functional level for each person for whom it serves as guardian;*

Paragraph 7 of Section 457.12(d) of Title 18 is amended to read as follows:

(7) the community guardian program will promptly inform the appointing court and the social services district of the results of the [assessments] *evaluation or examination* required by paragraph (6) of this subdivision;

Paragraph 9(iii) of Section 457.12(d) of Title 18 is amended to read as follows:

(iii) copies of the annual [assessments] *evaluation or examination* required by paragraph (6) of this subdivision;

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

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

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

Regulatory Impact Statement

1. Statutory authority:

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

SSL § 473-d provides standards for the provision of community guardian programs that provide services pursuant to contracts with local departments of social services (LDSSs).

Chapter 579 of the Laws of 2019, which amends Social Services Law (SSL) § 473-d, eliminated the requirement that adults who have guardians appointed under the community guardian program have assessments by two mental health professionals each year to determine the adult's capacity and whether that guardianship continues to be necessary.

2. Legislative objectives:

To ensure the protection and determine the mental capacity of those adults who are served by Adult Protective Services.

3. Needs and benefits:

The community guardian program provides for the appointment of either a local social services district (LDSS) or a non-profit under contract with an LDSS to act as the legal guardian for an incapacitated adult served by Adult Protective Services (APS) when there is no other person or entity available to act as a guardian.

Chapter 579 of the Laws of 2019, which amends Social Services Law (SSL) § 473-d, eliminated the requirement that adults who have guardians appointed under the community guardian program have assessments by two mental health professionals each year to determine the adult's capacity and whether that guardianship continues to be necessary. Instead, SSL § 473-d now requires an annual statement by a physician, psychologist, nurse, clinician, social worker or other person evaluating the condition and functioning of this person regarding whether guardianship continues to be appropriate. Conforming regulatory amendments are necessary to implement Chapter 579 of the Laws of 2019.

This amendment eliminates redundant and unnecessary reporting requirements and reduces the number of required annual assessments for clients of a community guardian program. Additionally, the revision provides greater flexibility regarding who may provide an annual evaluation of the person under guardianship.

These regulations are necessary to comply with changes under § 473-d of the Social Services Law, which went into effect December 6, 2019.

4. Costs:

The impact of compliance will be a reduction in costs. Previously, the regulation required annual assessments from two qualified psychiatrists or one qualified psychiatrist and one qualified psychologist. The new standard will now only require one evaluation.

5. Local government mandates:

The proposed regulations will not impose additional mandates on social services districts that operate community guardian programs, but rather will reduce the current mandate on LDSSs.

6. Paperwork:

The amendments do not create any new reporting requirements, but instead reduce the reporting requirements. The amendments clarify that

community guardian programs are now only required to obtain one evaluation or examination by doctor, psychologist, nurse clinician, social worker or other person who has evaluated the client, thereby reducing paperwork requirements.

7. Duplication:

The amendments do not duplicate any other State or federal requirements.

8. Alternatives:

These regulations are necessary to effectuate changes in state law effective December 6, 2019. Therefore, there are no alternatives to the proposed regulations.

9. Federal standards:

The amendments do not conflict with any federal standards.

10. Compliance schedule:

The statutory changes have been in effect since December 6, 2019. The amendments will be effective upon adoption.

Regulatory Flexibility Analysis

The proposed amendments to regulation will not have a negative impact on small businesses or local governments. A full impact statement has not been prepared for the proposed regulations as it is assumed that the proposed regulations will not have an impact on small businesses or local governments.

Rural Area Flexibility Analysis

The proposed amendments will not have a negative impact on rural areas. An impact statement has not been prepared for the proposed regulations as it is assumed that the proposed regulations will not have an impact on rural areas.

Job Impact Statement

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

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

Behavior Health Services for Foster Kids in Congregate Facilities, Elimination of Room Isolation and Operation De-escalation Rooms

I.D. No. CFS-46-19-00002-RP

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

Proposed Action: Amendment of sections 441.4(a), 441.17, 441.22(a), (b) and 442.2 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20, 34 and 462(1)(a)

Subject: Behavior health services for foster kids in congregate facilities, elimination of room isolation and operation de-escalation rooms.

Purpose: Behavior health services for foster kids in congregate facilities, elimination of room isolation and operation de-escalation rooms

Substance of revised rule (Full text is posted at the following State website: <https://ocfs.ny.gov/main/legal/regulatory/pc/>): The proposed amendment of 18 NYCRR 441.4 would require child care agencies to develop and maintain policies on agency continuous quality improvement and residents' personal property. The proposed regulation would also repeal the requirement that the child care agency develop and maintain a policy on room isolation.

The proposed amendment of 18 NYCRR 441.17 would eliminate the authority of child care agencies to use room isolation and prone holding techniques as a form of restraint of children in foster care. The proposed amendment would require that children cared for in an institution licensed by OCFS receive a post-physical restraint health review. In addition, the proposed amendment would require a specified notification of designated persons and agencies of the physical restraint of a child.

The proposed amendment of 18 NYCRR 441.22 would conform the process for HIV testing of children in foster care to the standards set forth in Article 27-f of the Public Health Law and the regulations of the New York State Department of Health set forth 10 NYCRR Part 63. Additional amendments would require child care agencies to provide comprehensive behavioral health services to children in foster care who are cared for in a congregate facility (an institution, group residence, group home or agency-operated boarding home). The proposed amendment would require the timely development of an individualized crisis intervention plan for each such child. In addition, the proposed amendment would require the timely

development and update of a treatment plan for children in foster care placed in congregate settings. Such plan would be subject to development and review by a designated treatment team and consultation with other professionals. The proposed amendment would require that child care agencies, where indicated, provide mental, behavioral and substance use/abuse services to children in foster care placed in congregate facilities on a regular basis.

The proposed amendment of 18 NYCRR 442.2 would preclude a child care institution from maintaining or operating an isolation room. The proposed amendment would authorize a child care institution to establish and operate a de-escalation room for the purpose of calming a child in foster care and averting the need for greater intervention. Use of the de-escalation room would require the child's consent. The proposed amendment would establish standards for the operation of the de-escalation room, including frequency, staffing, and the composition of the de-escalation room.

Revised rule compared with proposed rule: Substantial revisions were made in sections 441.4(a), 441.17, 441.22(a), (b) and 442.2.

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

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

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

Revised Regulatory Impact Statement

1. Statutory Authority:

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

Section 34(3)(f) of the SSL requires the Commissioner of OCFS to establish regulations for the administration of public assistance and care within New York State.

Section 462(1)(a) of the SSL requires OCFS to promulgate regulations concerning standards of care, treatment and safety applicable to all facilities exercising care or custody of children.

2. Legislative Objectives:

Chapter 436 of the Laws of 1997, created OCFS to take on the functions, powers, duties and obligations in the SSL concerning foster care, adoption services, adoption assistance, child protective services, preventive services for children and families, services for pregnant adolescents, day services, and other services and programs identified in article 6 of the SSL regarding the care and protection of children and under the structure and authority of article 2 of the SSL. This proposed rule enhances that responsible by addressing the issue of risk of physical and psychological harm. The policy of the State is to require comprehensive behavioral health services for each foster child placed in a congregate foster care placement through the creation of individualized crisis intervention plans and treatment plans. The provisions cited above clearly provide the Office with the authority to create this regulation.

3. Needs and Benefits:

The proposed regulations recognize the risk of trauma of foster children when placed in foster care and the ongoing need to address that risk while preparing the child for discharge from foster care. Children frequently experience physical and psychological trauma before entering foster care and often react in an individualized manner to trauma experienced while in foster care.

The proposed regulations would establish standards for the development of the timely creation and review of a crisis intervention plan for each foster child placed in either an institution, group residence, group home or agency-operated boarding home. Such plan must be child-specific and consider the child's behavioral history and needs. The crisis intervention plan must include de-escalation and other intervention strategies to address potential acute physical behavior of the child to reduce the risk of harm. The proposed regulations would also require the development of a treatment plan for each foster child placed in a congregate placement intended not only to address issues the child may experience while in care but also to prepare the child for a safe and appropriate discharge. The treatment plan would be developed by a treatment team comprised of agency staff, clinicians, medical personnel, the child's primary discharge resource and others. A component of the treatment plan includes a review of any medications the foster child receives, in consultation with the prescribing psychiatrist or other medical professional.

The proposed regulations would require that, where indicated, the agency caring for the foster child must provide mental, behavioral and substance use/abuse services to such foster child on a regular basis.

The proposed regulations would eliminate the ability of a child care agency to involuntarily place a foster child in room isolation as a means of restraint. The authority of a child care agency to maintain an isolation

room would be eliminated. In the alternative, the proposed regulations would authorize a child care agency operating an institution to permit a foster child, consistent with the child's treatment plan, to be cared for with the consent of the foster child in a room to calm escalating behavior. The proposed regulations would establish standards for the staffing, duration of placement, supervision and physical makeup of the de-escalation room. The proposed regulations would also require the assessment of any foster child placed in a de-escalation room for more than two hours by either a medical or mental health professional.

The requirement that each child care agency develop a continuous quality improvement policy would help agencies identify existing and potential issues impacting the quality of care provided to foster children and to formulate plans on addressing and ameliorating such issues. The requirement that a child care agency establish a policy on residents' personal property is consistent with the recognition of the rights of foster children.

4. Costs:

The proposed regulations codify existing practice in agencies. Costs include additional responsibilities for agency administrative and clinical staff. The additional clinical staff responsibilities would be funded through the Residual Medicaid per diem and the administrative responsibilities through the Maximum State Aid Rate for the program. The cost to the state is expected to be negligible.

5. Local Government Mandates:

The proposed regulations would require the development of individualized crisis intervention plans and treatment plans for each foster child placed in a congregate facility. Such plans would either be developed directly by a local department of social services (LDSS) or voluntary authorized agency with which the LDSS contracts.

Regarding the provision of services to foster children in such placements, OCFS regulation 18 NYCRR 441.15 currently requires the provision of psychiatric, psychological and other essential services to children in foster care.

Regarding the requirement that child care agencies establish policies involving continuous quality improvement and resident's personal property, a number of agencies already have such policies and OCFS will assist in their development by providing agencies with best practice guidance.

Regarding the operation of de-escalation rooms, the establishment of such rooms is not required.

Regarding the standards for HIV testing, these provisions are already in law, and this package conforms these regulations with existing legal standards.

6. Paperwork:

The requirements imposed by the proposed regulations in relation to the individualized crisis intervention plan and the foster child's treatment plan would be recorded in the child's case record.

7. Duplication:

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

8. Alternatives:

In response to public comments the agency considered alternatives to what was originally proposed and made the following modifications based on the public comment:

- Banning prone, mechanical and pharmacological restraints under any circumstance for any children in foster care.
- Clearly banning isolation of a child rather than just deleting the text on room isolation.
- Amending language on de-escalation rooms to clarify the use of the room is wholly voluntary on the part of the child.
- Requiring a medical exam to occur following all restraints and notification about the restraint to be provided to the attorney for the child.
- Inserting additional language regarding LGBTQ youth in care so to require specific consideration in assessments, treatment plans and agency policies.
- Adding flexibility to the requirements of the treatment team to be responsive to the needs of the child being treated.
- Clarifying the HIV assessments and testing language so that it better aligns with provisions in Public Health Law.

9. Federal Standards:

The proposed regulations would not conflict with current federal standards.

10. Compliance Schedule:

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

Revised Regulatory Flexibility Analysis

1. Effect on Small Businesses and Local Governments:

The proposed regulations will affect local departments of social services and the approximately 83 voluntary authorized agencies in New York State. The edits made to the Express Terms in this revised rulemaking in response to the public comments do not require any changes to the RFA.

2. Compliance Requirements:

The proposed regulations would require child care agencies operating congregate facilities (institutions, group residents, group homes and agency operated boarding homes) to provide comprehensive behavioral health services to foster children in their care. The child care agency would be required to provide, where indicated, mental, behavioral and substance use/abuse services to foster children in its care on a regular basis.

The proposed regulations would require that each foster child placed in a congregate setting have a timely individualized crisis intervention plan designed to address potential acute physical behavior and identify interventions designed to respond to such behavior reducing risk to the child. In addition, the proposed regulations would require that a specified treatment team develop a treatment plan for each foster child placed in a congregate facility. The treatment plan must be updated periodically in consultation with appropriate professionals.

The proposed regulations would require child care agencies operating residential programs to establish and maintain policies on continuous quality improvement and resident's personal property.

Where a child care agency operates a de-escalation room, the proposed regulations would require the child care agency to maintain daily records on the foster children placed in the de-escalation room, as well as other methods of intervention that were tried and proven unsuccessful and the steps that will be taken to reduce the time the child remains in the de-escalation room.

The proposed regulations would require that all children cared for in an institution licensed by OCFS receive a post-physical restraint health review.

The proposed regulations require notification of the parent, guardian or other person legally responsible, as applicable, and the authorized agency with legal custody of a child who was physically restrained. Such notification issued by the restraining authorized agency must include that the child was physically restrained, any injures the child experienced as a result of the physical restraint and any contacts with the Justice Center's Vulnerable Persons' Central Register.

3. Professional Services:

The proposed regulations would require that the foster child's treatment team include medical personal if the foster child is prescribed psychiatric medication and the review of the treatment plan with the prescribing psychiatrist or medical professional.

4. Compliance Costs:

Compliance costs for foster care program staff participating in treatment teams are expected to be negligible, though the requirement for follow up each 30 days may be significant to warrant review by the Department of Health for impact of additional clinical staff time funded by Residual Medicaid per diem rates.

5. Economic and Technological Feasibility:

It is anticipated that the proposed regulations would not have a significant adverse economic impact on local departments of social service or voluntary authorized agencies requiring the hiring of additional staff.

Current OCFS regulation 18 NYCRR 441.15 requires child care agencies to provide psychiatric, psychological and other essential services to foster children in their care. Agency staff, either as case managers, case planners or social workers, are currently assigned to service development and delivery to children in foster care. It is anticipated that such staff will assume the duties enacted by the proposed regulations.

6. Minimizing Adverse Impact:

It is not anticipated that the proposed regulations would result in an adverse impact on local government agencies or small businesses. It is anticipated that the services and planning requirements will have the beneficial effect of reducing the length of stay of children in foster care and aid in preventing return to foster care. The additional policy requirements should be helpful in reducing liability expose and corresponding costs to child care agencies.

7. Small Business and Local Government Participation:

The issues addressed in the proposed regulations have been discussed over the years with child care agencies through several means, including OCFS Regional Office oversight and monitoring, meetings with agency representatives and OCFS mandated corrective action plans.

8. For rules that either establish or modify a violation or penalty:

The proposed regulations would not establish or modify an existing violation or penalty.

Revised Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposed regulations will affect 44 local departments of social services and the approximately 35 voluntary authorized agencies in rural areas of New York State. The edits made to the Express Terms in this revised rulemaking in response to the public comments do not require any changes to the RFA.

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

The proposed regulations would require child care agencies operating congregate facilities (institutions, group residents, group homes and agency operated boarding homes) to provide comprehensive behavioral health services to foster children in their care. The child care agency would be required to provide, where indicated, mental, behavioral and substance use/abuse services to foster children in its care on a regular basis.

The proposed regulations would require that each foster child placed in a congregate setting have a timely individualized crisis intervention plan designed to address potential acute physical behavior and identify interventions designed to respond to such behavior reducing risk to the child. In addition, the proposed regulations would require that a specified treatment team develop a treatment plan for each foster child placed in a congregate facility. The treatment plan must be updated periodically in consultation with appropriate professionals.

The proposed regulations would require child care agencies operating residential programs to establish and maintain policies on continuous quality improvement and resident's personal property.

The proposed regulations would require that all children cared for in an institution licensed by OCFS receive a post-physical restraint health review.

The proposed regulations would require notification of the parent, guardian or other person legally responsible, as applicable, and the agency with legal custody of a child who was physically restrained. Such notification by the authorized agency that restrained the child must include that the child was physically restrained, any injuries experienced by the child as a result of the restraint and any contacts with the Justice Center's Vulnerable Persons' Central Register.

The behavioral health services provided to foster children are required by the proposed regulation would be recorded in the foster child's case record as would the individualized crisis intervention plan and the foster child's treatment plan.

Where a child care agency operates a de-escalation room, the proposed regulations would require the child care agency to maintain daily records on the foster children placed in the de-escalation room, as well as other methods of intervention that were tried and proven unsuccessful and the steps that will be taken to reduce the time the child remains in the de-escalation room.

3. Compliance costs:

The requirements of the regulations appear to codify current practice in child care agencies. Additional program costs for staff participating in treatment teams are expected to be negligible, though the requirement for follow up each 30 days may be significant to warrant review by the Department of Health for impact on the Residual Medical per diem rates.

4. Minimizing adverse impact:

The concept of addressing the behavioral health of foster children is not a new concept to child care agencies serving foster children. Current OCFS regulation 18 NYCRR 441.15 requires child care agencies to provide psychiatric, psychological and other essential services to foster children in their care. Several child care agencies already develop child specific plans for children in care to address potential acute physical behavior. OCFS is developing best practice policies to assist child care agencies develop policies on agency continuous quality improvement and resident's person property.

5. Rural area participation:

The issues addressed in the proposed regulations have been discussed over the years with child care agencies through several means, including OCFS Regional Office oversight and monitoring, meetings with agency representatives and OCFS mandated corrective action plans.

Revised Job Impact Statement

The proposed amendments to regulation will not have a negative impact on jobs or employment opportunities in either public or private child welfare agencies. A full job impact statement has not been prepared for the proposed regulations as it is assumed that they will not result in the loss of any jobs. The edits made to the Express Terms in this revised rulemaking in response to the public comments do not require any changes to the RFA.

Assessment of Public Comment

441.4:

- One commenter supported the development of policies and noted they would require agency resources. We concur, no changes are necessary, and none were made.

- One commenter suggested further amendments to 441.4 (a) related to discharge planning. Individualized discharge planning is addressed in 441.22. No changes were made.

441.17:

- Several commenters requested that The New York State Office of Children and Family Services ban the use of prone restraints in all licensed programs. We concur, changes were made.

- One commenter requested changes to 441.17(f). We concur, changes were made.

- One commenter suggested the language in the regulation implied the need for 24/7 medical staff. This is not what the regulation stated, nor do we believe it was implied. No changes were made.

- One commenter suggested that some parents may not want to be notified after their child has been restrained. That is not consistent with the intent of the regulations. No changes were made.

- Multiple commenters requested that the attorney for the child be notified after a youth has been restrained. We agree, changes were made.

- One commenter requested a level of detail be added to 441.17. Additional details may be addressed through future policy/guidance documents. No changes are necessary, and none were made.

- One commenter suggested the regulation be further amended to require restraint data reporting to OCFS. Such oversight details are not necessary to include in regulations. No changes are necessary and none were made.

- Multiple commenters requested that all language pertaining to mechanical and pharmacological restraints be stricken from the regulations. We agree, changes were made.

- One commenter suggested that 441.7(b) be further amended to include an affirmative statement that room isolation may never be used for a child in foster care. Such language is already in the regulation at 442.2.No changes are necessary, and none were made.

- One commenter requested that post restraint medical exams be required after every restraint. We agree, changes were made.

441.22:

- One commenter expressed support for the behavioral health requirements. No changes are necessary, and none were made.

- One commenter suggested that a particular assessment instrument be allowable under FFPSA. This comment was not applicable to this amendment or section. No changes were made.

- One commenter suggested modifications to the required individuals/parties involved in a treatment team meeting. We agree, changes were made.

- One commenter suggested we define the term "industry-accepted" as it relates to assessment tools. This term is used for its common meaning. No changes are necessary, and none were made.

- One commenter noted that other planning meetings could be held at the same time as the treatment team meetings to reduce duplicity. We concur. However, no changes are necessary, and none were made.

- One commenter suggested including additional actions related to placement in a congregate setting. This suggestion is beyond the scope of the amendments made to this regulatory package. No changes were made.

- One commenter suggested an alternate timeline for planning activities. There is no compelling reason to adopt the alternate timeline. No changes were made.

- One commenter suggested additional assessment areas related to medical, educational, social and family connections. We concur, changes were made.

- One commenter provided several suggestions related to the specifics of individualized treatment for each youth. We believe this level of specificity is more appropriately articulated in policy/guidance documents which will be forthcoming. No changes were made.

- One commenter suggested that the language was too vague regarding when individualized crisis intervention plans should be reviewed/updated. We concur, changes were made.

- One commenter suggested that the frequency of individual and group therapy be determined by a qualified mental health professional. We concur, changes were made.

- One commenter suggested revising Section 360-8.1(a)(4) to align the definition of HIV related test. This suggestion falls outside of the scope for this regulatory package; no changes made.

- One commenter suggested adding the biological mother's positive HIV state as a risk factor when assessing for infants. We concur, changes were made.

- One commenter suggested aligning risk factors of family members and children to the New York State HIV Clinical Guidelines. We concur, changes were made.

- Multiple commenters suggested aligning the HIV assessment with the periodic medical assessment. We concur, changes were made.

- Multiple commenters suggested clarifying language regarding disclosure. We concur, changes were made.

- One commenter suggested modifying language in the section on recruiting family to be less stigmatizing. We concur, changes were made.

442.2:

- One commenter requested a language change to update an outdated term. We concur, changes were made.

- One commenter advised of a conflict with 450.7 of the regulations. Section 450.7 does not apply to part 442 of the regulations. Please see section 450.1 for applicability of Part 450. No changes are necessary, and none were made.

- One commenter suggested adding language that room isolation shall never be used for children in foster care. We concur, changes were made.
- One commenter suggested further amendment to the language around the physical space associated with de-escalation rooms. We concur, changes were made.
- One commenter suggested we affirm that de-escalation rooms must not be used as punishment. We concur, changes were made.
- One commenter suggested conspicuous signage be present in de-escalation rooms noticing youth of their rights to leave the room as it is voluntary. We concur, changes were made.
- One commenter suggested clarifying language related to the voluntary nature of the use of de-escalation rooms. We concur, changes were made.
- One commenter suggested clarifying language specific to the duration of the use of de-escalation rooms. We concur, changes were made.

Division of Criminal Justice Services

ERRATUM

A Notice of Proposed Rule Making, ID No. CJS-44-20-00002-P, published in the November 4, 2020 issue of the *State Register*, pertaining to "Preliminary Procedure for Article 3 JD Intake, retitled to Probation Services for Article 3 Juvenile Delinquency (JD)," inadvertently indicated inaccurate information for "Statutory Authority" and "Subject" on the proposed rule making form. The text of the proposed rule and accompanying statements were submitted with accurate information. The correct Statutory Authority and Subject are as follows.

Statutory Authority: Executive Law, section 243(1); Family Court Act, section 735(a); Social Services Law, section 34-a(4)(b)

Subject: Intake for Article 7 (PINS).

NOTICE OF EMERGENCY ADOPTION AND REVISED RULE MAKING NO HEARING(S) SCHEDULED

Use of Force

I.D. No. CJS-30-19-00010-ERP

Filing No. 708

Filing Date: 2020-10-30

Effective Date: 2020-11-01

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

Action Taken: Addition of Part 6058 of Title 9 NYCRR.

Statutory authority: Executive Law, section 837-t; Executive Law, section 837(13)

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

Specific reasons underlying the finding of necessity: At the forefront of the national discussion involving policing in America is law enforcement's use of force, and the lack of statistical data to analyze use-of-force incidents.

The proposed rule sets forth reporting and recordkeeping procedures regarding use of force pursuant to section 837-t of the Executive Law, to be followed by each county sheriff; the Superintendent of State Police; the chief of every police department or agency which employs police officers or peace officers; and, the Division of Criminal Justice Services (Division). The proposed regulations require such employers of police and peace officers to report to the Division any instance or occurrence where a police or peace officer employs use of force. In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received.

Repeated and highly publicized incidents of police use of force, and lack of data about these incidents, leaves an impression that there is a lack of accountability by police officers in these cases. The proposed rule provides a mechanism to produce a comprehensive view of use-of-force incidents reported, including the circumstances, subjects, and officers

involved in such incidents. These data can subsequently assist with improving policies and procedures regarding use of force, providing better analyses of reported incidents, and increasing public awareness. This is necessary for the preservation of public safety and the general welfare of people of the State of New York, as it will foster better relations between police and the communities they serve.

On the other hand, the failure to promulgate this rule on an emergency basis will undermine public safety, as the use of force by police, especially if excessive and unchecked, is unsafe for the community, and detrimental to its general welfare. For that reason, it would, in this case, be contrary to public interest to adhere to the normal requirements of the regulation and rule proposal process.

Subject: Use of Force.

Purpose: Set forth use of force reporting and recordkeeping procedures.

Text of emergency/revised rule: Part 6058 - Use of Force Data Collection, Analysis and Reporting

Section 6058.1. Purpose.

At the forefront of the national discussion involving policing in America is law enforcement use of force, and the lack of statistical data to analyze use of force incidents.

The purpose of this Part is to set forth reporting and recordkeeping procedures, regarding use of force pursuant to section 837-t of the Executive Law, to be followed by the chief of every police department, each county sheriff, and the superintendent of state police which employs police officers or peace officers, and by the Division of Criminal Justice Services.

Section 6058.2. Definitions.

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

(a) Division means the Division of Criminal Justice Services.

(b) Commissioner means the Commissioner of the Division of Criminal Justice Services, or his or her designee.

(c) FBI means the Federal Bureau of Investigation.

(d) Employer means the chief of every police department, each county sheriff, and the superintendent of state police which employs police officers or peace officers.

(e) Police officer means a person designated as such in section 1.20(34) of the Criminal Procedure Law.

(f) Peace officer means a person designated as such in section 2.10 of the Criminal Procedure Law.

(g) Use of force means when a police officer or peace officer does the following:

(1) displays a chemical agent by pointing a chemical agent at a person or persons; or

(2) uses/deploys a chemical agent by operating the chemical agent against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or

(3) brandishes a firearm by pointing a firearm at a person or persons; or

(4) uses/discharges a firearm by discharging a firearm at or in the direction of a person or persons; or

(5) brandishes an electronic control weapon by pointing an electronic control weapon at a person or persons; or

(6) uses/deploys an electronic control weapon by operating an electronic control weapon against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or

(7) brandishes an impact weapon by pointing an impact weapon at a person or persons; or

(8) uses/deploys an impact weapon by operating an impact weapon against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or

(9) uses a chokehold or other similar restraint, which is any application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or

(10) engages in conduct which results in the death or serious bodily injury of another person.

(h) Serious bodily injury means a bodily injury that creates or causes a substantial risk of death; or unconsciousness; or serious and protracted disfigurement; or protracted loss or impairment of the function of any bodily member, organ or mental faculty.

Section 6058.3. Employer Reporting Requirements.

(a) Each employer shall, in the form and manner set forth in section 6058.4 of this Part, submit or cause to be submitted any instance or occurrence where a police or peace officer employed by it employs use of force.

(b) Each employer shall, in the form and manner set forth in section 6058.4 of this Part, with respect to each use of force event reported, submit or cause to be submitted the following:

(1) the type of use of force;

(2) the date of the event;

- (3) village, town, or city, and county location of the event;
- (4) the law enforcement agencies involved;
- (5) a description of the circumstances of the event;
- (6) the race, sex, ethnicity, and age (or, if unknown, approximate age) of all persons engaging in the use of force; and
- (7) the race, sex, ethnicity, and age (or, if unknown, approximate age) of all persons suffering an injury from the use of force.

(c) Each employer shall, in the form and manner set forth in section 6058.4 of this Part, submit or cause to be submitted any additional information the commissioner may require the employer to report, including, but not limited to, use of force events and incident information, subject information, and officer information related to each event as required by the FBI in coordination with the FBI's Uniform Crime Reporting ("UCR") Program.

Section 6058.4. Employer Reporting Form.

Each employer shall submit all information required to be reported in accordance with section 6058.3 of this Part to the division in the form and manner as prescribed by the division.

Section 6058.5. Division Reporting Requirements.

(a) On an annual basis, the commissioner shall conspicuously publish on the division's website a comprehensive report including the use of force information received under section 6058.3 of this Part during the preceding year.

(b) Such reports shall not identify the names of the individuals involved, but for each use of force event reported, shall list the following in accordance with section 837-t of the executive law:

- (1) the type of use of force;
- (2) the date of the event;
- (3) the location of the event disaggregated by county and law enforcement agencies involved;
- (4) the town or city where the event occurred;
- (5) any additional relevant location information;
- (6) a description of the circumstances of the event;
- (7) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons engaging in the use of force; and
- (8) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons suffering an injury from the use of force.

This notice is intended to serve as both a notice of emergency adoption and a notice of revised rule making. The notice of proposed rule making was published in the *State Register* on July 24, 2019, I.D. No. CJS-30-19-00010-EP. The emergency rule will expire December 28, 2020.

Revised rule making(s) were previously published in the State Register on January 15, 2020.

Emergency rule compared with proposed rule: Substantive revisions were made in section 6058.2.

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

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

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

Revised Regulatory Impact Statement

1. Statutory authority: The authority for the promulgation of these regulations is contained in Executive Law § 837-t and Executive Law § 837(13).

Executive Law § 837-t sets forth use of force reporting procedures to be followed by each county sheriff; the Superintendent of State Police; the chief of every police department which employs police or peace officers; and, by the Division of Criminal Justice Services (Division).

Executive Law § 837(13) authorizes the Division to adopt, amend or rescind regulations "as may be necessary or convenient to the performance of the functions, powers and duties of the [D]ivision."

2. Legislative objectives: Chapter 55 of the Laws of 2019 added Executive Law § 837-t. Pursuant to that section, each county sheriff, the Superintendent of State Police, and the chief of every police department, is required to report to the Division any instance or occurrence in which one of its police officers or peace officers employs use of force. The regulations clarify the statute by defining use of force as when a police officer or peace officer does the following:

- (1) displays a chemical agent by pointing a chemical agent at a person or persons; or
- (2) uses/deploys a chemical agent by operating the chemical agent against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or
- (3) brandishes a firearm by pointing a firearm at a person or persons; or
- (4) uses/discharges a firearm by discharging a firearm at or in the direction of a person or persons; or

(5) brandishes an electronic control weapon by pointing an electronic control weapon at a person or persons; or

(6) uses/deploys an electronic control weapon by operating an electronic control weapon against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or

(7) brandishes an impact weapon by pointing an impact weapon at a person or persons; or

(8) uses/deploys an impact weapon by operating an impact weapon against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or

(9) uses a chokehold or other similar restraint, which is any application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or

(10) engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury means a bodily injury that creates or causes a substantial risk of death; or unconsciousness; or serious and protracted disfigurement; or protracted loss or impairment of the function of any bodily member, organ or mental faculty.

In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received, such as:

- (a) the type of use of force (used by each officer involved in the event);
- (b) the date of the event;
- (c) the location of the event disaggregated by county and law enforcement agencies involved;
- (d) the town or city where the event occurred;
- (e) any additional relevant location information;
- (f) a description of the circumstances of the event;
- (g) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons engaging in the use of force; and
- (h) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons suffering an injury from such use of force.

3. Needs and benefits: At the forefront of the national discussion involving policing in America is law enforcement's use of force, and the lack of statistical data to analyze use-of-force incidents.

The proposed rule sets forth reporting and recordkeeping procedures, regarding use of force pursuant to section 837-t of the Executive Law, to be followed by each county sheriff, the Superintendent of State Police, the chief of every police department which employs police or peace officers, and by the Division. The proposed regulations require such employers of police and peace officers to report, to the Division, any instance or occurrence where a police or peace officer employs use of force. In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received.

Repeated and highly publicized incidents of police use of force, and lack of data about these incidents, leaves an impression that there is a lack of accountability by police officers in these cases. The proposed rule provides a mechanism to produce a comprehensive view of use of force incidents reported, including the circumstances, subjects, and officers involved in such incidents. This data can subsequently assist with improving policies and procedures regarding use of force, providing better analyses of reported incidents, and increasing public awareness. This is necessary for the preservation of public safety and the general welfare of people of the State of New York, as it will foster better relations between police and the communities they serve.

4. Costs: No funds were appropriated in the Budget to offset any costs to regulated parties, the agency, or State and local governments for the implementation of and continuing compliance with the rule; however, the costs (and potential savings) are undetermined, but are expected to include:

- the training of police officers and peace officers on the new use-of-force reporting requirements;
- the creation/modification of use-of-force reporting forms and/or systems;
- professional services to create/update use-of-force forms and/or systems;
- professional services to update websites, and website hosting and maintenance fees;
- the use of existing resources; and
- the fact that most, if not all, of the information that must be reported is already gathered or reported for other purposes.

5. Local government mandates: The proposed regulations will require employers of police and peace officers to report to the Division any instance or occurrence where a police or peace officer employed by it uses force as defined in the statute.

6. Paperwork: The employers may have paperwork within its agency; however, each employer shall submit all information required to be reported to the Division electronically.

7. Duplication: The FBI established the National Use of Force Data Collection; however, participation by law enforcement is voluntary.

8. Alternatives: To comply with the use-of-force statute and its impending effective date, and due to the Division's determination that it was necessary for the preservation of public safety and the general welfare of people of the State of New York, the proposed regulations, which essentially copied the use of force statute verbatim, were adopted on an emergency basis. The original notice of proposed rule-making was published in the State Register on July 24, 2019 (CJS-30-19-00010-EP). No comments were received during the 60-day public comment period; however, difficulties arose surrounding the use-of-force terms as currently defined, in particular, the term "brandish," which is a term of art.

To assist with re-defining brandish, and the other use-of-force terms, the Division sought and received input from a panel of law enforcement representatives. Such definitions were subsequently endorsed by the Municipal Council Training Council (Council), which consists of members who are sheriffs, chiefs of police or commissioners of police, and the Commissioner of the New York City Police Department. The Division adopted revised emergency regulations and a notice of revised rule-making was published in the State Register on January 15, 2020 (CJS-30-19-00010-ERP), for a 45-day public comment period.

On February 14, 2020, the Division received joint legislative comments from Joseph R. Lentol, Chair, Assembly Committee on Codes; and Dan Quart, Assembly Chair, Administrative Regulations Review Commission.

In consultation with key stakeholders, including endorsement by the Council, the Division revised and clarified the definitions pertaining to a chemical agent, firearm, electronic control weapon, and impact weapon. The new definitional language addresses the comments received.

9. Federal standards: The National Use of Force Data Collection includes three types of events:

- (a) when use of force by a law enforcement officer causes a fatality;
- (b) when use of force by a law enforcement officer causes serious bodily injury; and
- (c) in the absence of either death or serious bodily injury, when a law enforcement officer discharges a firearm at or in the direction of a person.

The National Use of Force Data Collection also includes extensive incident information, subject information, and officer information related to each event.

10. Compliance schedule: Regulated parties are expected to be able to achieve compliance with the proposed rule as soon as it is adopted.

Revised Regulatory Flexibility Analysis

1. Effect of rule: The proposed rule applies to every police department and sheriff's office in New York State, and the New York State Police. The proposal does not apply to small businesses.

2. Compliance requirements: The proposed rule implements Executive Law § 837-t, which requires the chief of every police department, each county sheriff, and the Superintendent of State Police to report, to the Division of Criminal Justice Services (Division), any instance or occurrence in which one of its police officers or peace officers employs use of force. The regulations clarify the statute by defining use of force as when a police officer or peace officer does the following:

- (1) displays a chemical agent by pointing a chemical agent at a person or persons; or
- (2) uses/deployes a chemical agent by operating the chemical agent against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or
- (3) brandishes a firearm by pointing a firearm at a person or persons; or
- (4) uses/discharges a firearm by discharging a firearm at or in the direction of a person or persons; or
- (5) brandishes an electronic control weapon by pointing an electronic control weapon at a person or persons; or
- (6) uses/deployes an electronic control weapon by operating an electronic control weapon against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or
- (7) brandishes an impact weapon by pointing an impact weapon at a person or persons; or
- (8) uses/deployes an impact weapon by operating an impact weapon against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or
- (9) uses a chokehold or other similar restraint, which is any application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or
- (10) engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury means a bodily injury that creates or causes a substantial risk of death; or unconsciousness; or serious and protracted disfigurement; or protracted loss or impairment of the function of any bodily member, organ or mental faculty.

In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received, such as:

- (a) the type of use of force (used by each officer involved in the event);

- (b) the date of the event;
- (c) the location of the event disaggregated by county and law enforcement agencies involved;
- (d) the town or city where the event occurred;
- (e) any additional relevant location information;
- (f) a description of the circumstances of the event;
- (g) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons engaging in the use of force; and
- (h) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons suffering an injury from the use of force.

3. Professional services: Professional printing and/or IT services will be needed to comply with the proposed rule.

4. Compliance costs: No funds were appropriated in the Budget to offset any costs to regulated parties, the agency, or State and local governments for the implementation of and continuing compliance with the rule. The costs (and potential savings) are undetermined, but are expected to include:

- the training of police and peace officers on the new use of force reporting requirements;
- the creation/modification of use-of-force reporting forms and/or systems;
- professional services to create/update use-of-force forms and/or systems;
- professional services to update websites, and website hosting and maintenance fees;
- the use of existing resources; and
- the fact that most, if not all, of the information that must be reported is already gathered or reported for other purposes.

5. Economic and technological feasibility: No economic or technological impediments to compliance have been identified.

6. Minimizing adverse impact: The mandates on local governments are minimal as law enforcement agencies already submit crime reports to the Division. Each employer is required to submit all information to the Division electronically.

7. Small business and local government participation: Use of force has long been a topic of discussion. Input regarding the use-of-force definitions was previously provided by a panel of law enforcement representatives. In addition, a Use of Force Model Policy that references the new reporting requirements of Executive Law § 837-t, which are codified in the proposed regulations, was discussed and approved by the Municipal Police Training Council (Council), which consists of members who are sheriffs, chiefs of police or commissioners of police, and the Commissioner of the New York City Police Department. The use-of-force definitions were endorsed by the Council at its September 2, 2020 meeting.

Revised Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: The rule applies to every police department and sheriff's office in New York State, and the New York State Police. Many law enforcement agencies are located in rural areas.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The proposed rule implements Executive Law § 837-t, which requires the chief of every police department, each county sheriff, and the Superintendent of State Police to report to the Division of Criminal Justice Services (Division) any instance or occurrence in which one of its police officers or peace officers employs use of force. The regulations clarify the statute by defining use of force as when a police officer or peace officer does the following:

- (1) displays a chemical agent by pointing a chemical agent at a person or persons; or
- (2) uses/deployes a chemical agent by operating the chemical agent against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or
- (3) brandishes a firearm by pointing a firearm at a person or persons; or
- (4) uses/discharges a firearm by discharging a firearm at or in the direction of a person or persons; or
- (5) brandishes an electronic control weapon by pointing an electronic control weapon at a person or persons; or
- (6) uses/deployes an electronic control weapon by operating an electronic control weapon against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or
- (7) Brandishes an impact weapon by pointing an impact weapon at a person or persons; or
- (8) Uses/deployes an impact weapon by operating an impact weapon against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or
- (9) uses a chokehold or other similar restraint, which is any application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or
- (10) engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury means a bodily injury that

creates or causes a substantial risk of death; or unconsciousness; or serious and protracted disfigurement; or protracted loss or impairment of the function of any bodily member, organ or mental faculty.

In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use of force information received, such as:

- (a) the type of use of force (used by each officer involved in the event);
- (b) the date of the event;
- (c) the location of the event disaggregated by county and law enforcement agencies involved;
- (d) the town or city where the event occurred;
- (e) any additional relevant location information;
- (f) a description of the circumstances of the event;
- (g) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons engaging in the use of force; and
- (h) the race, sex, ethnicity, age (or, if unknown, approximate age) of all persons suffering an injury from the use of force.

Each employer is required to submit all information as part of the employer's monthly crime reports to the Division. Thus, the mandates on local governments are minimal as law enforcement agencies already report incident data to the Division.

Professional printing and/or IT services will be needed to comply with the proposed rule.

3. Costs: No funds were appropriated in the Budget to offset any costs to regulated parties, the agency, or State and local governments for the implementation of and continuing compliance with the rule. The costs (and potential savings) are undetermined, but are expected to include:

- the training of police officers and peace officers on the new use-of-force reporting requirements;
- the creation/modification of use-of-force reporting forms and/or systems;
- professional services to create/update use-of-force forms and/or systems;
- professional services to update websites, and website hosting and maintenance fees;
- the use of existing resources; and
- the fact that most, if not all, of the information that must be reported is already gathered or reported for other purposes.

4. Minimizing adverse impact: The mandates on local governments are minimal as law enforcement agencies already submit crime reports to the Division. Each employer is required to submit all information to the Division electronically.

5. Rural area participation: Use of force has long been a topic of discussion. Input regarding the use-of-force definitions was previously provided by a panel of law enforcement representatives. In addition, a Use of Force Model Policy that references the new reporting requirements of Executive Law § 837-t, which are codified in the proposed regulations, was discussed and approved by the Municipal Police Training Council (Council), which consists of members who are sheriffs, chiefs of police or commissioners of police, and the Commissioner of the New York City Police Department. The use-of-force definitions were endorsed by the Council at its September 2, 2020 meeting.

Revised Job Impact Statement

A Job Impact Statement is not being submitted with this Notice of Emergency Adoption and Revised Rule Making because it is evident from the subject matter of the regulation that it will have no adverse impact on jobs or employment opportunities.

The proposed rule merely sets forth use of force reporting procedures to be followed by each county sheriff; the Superintendent of State Police; the chief of every police department which employs police officers or peace officers; and, the Division of Criminal Justice Services.

Assessment of Public Comment

Chapter 55 of the Laws of 2019 added Executive Law § 837-t, which was signed into law on April 12, 2019, and went into effect on July 11, 2019. Pursuant to that statute, the chief of every police department, each county sheriff, and the Superintendent of State Police is required to report to the Division of Criminal Justice Services (Division), in the form and manner as defined in regulations promulgated by the Division, any instance or occurrence in which one of its police officers or peace officers employs use of force. This includes the following:

1. brandishes, uses or discharges a firearm at or in the direction of another person; or
2. uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or
3. displays, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas; or
4. brandishes, uses or deploys an impact weapon, including, but not limited to, a baton or billy; or

5. brandishes, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bomb or long-range acoustic device; or

6. engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss of impairment of the function of a bodily member, organ or mental faculty.

In addition, on an annual basis, the Commissioner of the Division is required to conspicuously publish on the Division's website a comprehensive report including the use-of-force information received. The report shall list the date of the event; the location of the event by county, town or city; the law enforcement agencies involved; a description of the circumstances of the event; and the race, sex, ethnicity, age, or, if unknown, approximate age of all persons engaging in the use of force or suffering such injury.

To comply with the statute and its impending effective date, and due to the Division's determination that it was necessary for the preservation of public safety and the general welfare of people of the State of New York, the proposed regulations, which essentially copied the use of force statute verbatim, were adopted on an emergency basis. In the interim, and ensuring transparency with the public, the original notice of proposed rule-making was published in the State Register on July 24, 2019 (CJS-30-19-00010-EP). No comments were received during the 60-day public comment period; however, difficulties arose surrounding the use of force terms as currently defined, in particular, the term "brandish," which is a term of art.

To assist with re-defining brandish, and the other use-of-force terms, the Division sought and received input from a panel of law enforcement representatives. Such definitions were subsequently endorsed by the Municipal Council Training Council (Council), which consists of members who are sheriffs, chiefs of police or commissioners of police, and the Commissioner of the New York City Police Department. The Division adopted revised emergency regulations and, again ensuring transparency, a notice of revised rule-making was published in the State Register on January 15, 2020 (CJS-30-19-00010-ERP), for a 45-day public comment period. Use of force was defined as follows:

1. displays a chemical agent by pointing a chemical agent at a subject; or
2. uses/deploys a chemical agent by operating the chemical agent against a person in a manner capable of causing physical injury; or
3. brandishes/uses/discharges a firearm by operating a firearm against a person in a manner capable of causing physical injury; or
4. brandishes/uses/deploys an impact weapon or electronic control weapon by operating an impact weapon or electronic control weapon against a person in a manner capable of causing physical injury; or
5. uses a chokehold or similar restraint, which is any application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or
6. engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury means a bodily injury that creates or causes a substantial risk of death, unconsciousness, serious and protracted disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

On February 14, 2020, the Division received joint legislative comments from Joseph R. Lentol, Chair, Assembly Committee on Codes; and Dan Quart, Assembly Chair, Administrative Regulations Review Commission. The legislative comments and the Division's responses are as follows:

Comment:

...the statute calls for reporting of any instance when an officer "brandishes, uses or discharges a firearm at or in the direction of another person." The revised rules narrow this requirement to only include an incident involving "operating a firearm against a person in a manner capable of causing physical injury." Similar qualifying non-statutory wording is added for incidents that involve the brandishing, use or deployment of impact weapons or electronic control weapons, as well as for chemical agents. However, perhaps because § 837-t uses the word "displays" instead of "brandishes" for chemical agents, the revised rules also include incidents that involve the display of a chemical agent by pointing it at a subject.

It is far from clear why these regulations should state that pointing a can of pepper spray at a person should be considered a use of force, but ordering someone to lie on the ground at gunpoint should not. This discrepancy in the revised rules illustrates that the legislative intent in enacting this legislation is apparently not being fully implemented.

Altering the statutory requirements in this manner will likely result in both inconsistent reports and underreporting of use of force incidents. A reporting agency will need to determine whether a non-lethal weapon such as a stun gun or flash bomb was operated in a manner capable of causing physical injury.

Response:

Previously, because law enforcement officers do not “brandish” their weapons, the Division adopted a definition of brandish that was analogous to use and discharge for firearms, and use and deploy for impact weapons and electronic control weapons.

In consultation with key stakeholders, including endorsement by the Council, the Division revised the definitions pertaining to a chemical agent, firearm, electronic control weapon, and impact weapon. The following is the new definitional language that addresses the comments received.

1. displays a chemical agent by pointing a chemical agent at a person or persons; or
2. uses/deploys a chemical agent by operating the chemical agent against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or
3. brandishes a firearm by pointing a firearm at a person or persons; or
4. uses/discharges a firearm by discharging a firearm at or in the direction of a person or persons; or
5. brandishes an electronic control weapon by pointing an electronic control weapon at a person or persons; or
6. uses/deploys an electronic control weapon by operating an electronic control weapon against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or
7. brandishes an impact weapon by pointing an impact weapon at a person or persons; or
8. uses/deploys an impact weapon by operating an impact weapon against a person or persons in a manner capable of causing physical injury as defined in article 10 of the Penal Law; or
9. uses a chokehold or other similar restraint, which is any application of sustained pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air; or
10. engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury means a bodily injury that creates or causes a substantial risk of death; or unconsciousness; or serious and protracted disfigurement; or protracted loss or impairment of the function of any bodily member, organ or mental faculty.

Comment:

...original regulations used the definition of § 837-t which includes a bodily injury involving “protracted and obvious disfigurement.” The change in the new regulations to “serious and protracted disfigurement” will invite police discretion in deciding if a protracted disfigurement is “serious” enough to report.

Response:

The change to “serious and protracted disfigurement” is to make the regulatory definition of serious bodily injury consistent with the definition of serious physical injury under NYS Penal Law. Further, a protracted disfigurement or loss, especially if obvious, is a serious injury. Accordingly, the proposed definition is warranted, and no further revisions are made.

Comment:

The employer reporting requirements in § 6058.3 and 6058.5 also contain errors that will result in serious underreporting, in derogation of the statutory intent. Under these sections, while the race, sex, ethnicity and age would be reported of all persons “engaging in the use of force,” such demographic information exposed to the same use of force would only be provided if the person or persons “suffer[ed] an injury from the use of force.” The “injury” referred to in § 837-t(2), the demographic reporting subdivision, clearly refers to exposure to the use of force. The proposed regulation, as worded, may be misunderstood to mean that demographic information only need be reported concerning persons who actually suffer a bodily injury. This would mean that key demographic data, such as whether chokeholds are being used disproportionately on specific demographic groups, would not be reported.

Response:

The regulatory language is taken verbatim from Executive Law § 837-t. Accordingly, since the proposal is supported by statute, no further revisions are made.

Department of Environmental Conservation

NOTICE OF ADOPTION

Emission Statements

I.D. No. ENV-17-20-00006-A

Filing No. 710

Filing Date: 2020-11-03

Effective Date: 30 days after filing

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

Action taken: Amendment of Subpart 202-2 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103 and 71-2105

Subject: Emission Statements.

Purpose: The purpose of this rule making is to require electronic submittal of annual emission statements beginning in 2022.

Substance of final rule: The purpose of 6 NYCRR Subpart 202-2 is to establish the requirements for annual emission statements filed by facilities subject to Title V permits. The New York State Department of Environmental Conservation (DEC) is proposing revisions to Subpart 202-2 to require electronic submittal of annual emission statements. This requirement will be phased in beginning with Title V permits issued in 2021. A summary of the revisions to Subpart 202-2 are presented in this document.

Changes to Section 202-2.1, “Applicability:” A new subdivision 202-2.1(c) mandates the electronic submittal of emission statements. The new requirement will be included as an enforceable condition in new or renewed Title V permits issued after January 1, 2021. Further, by reporting year 2025, all emission statements will be subject to the electronic submittal requirement.

Changes to Section 202-2.3, “Required contents of an emission statement:” The first sentence of paragraph 202-2.3(a)(1) has been revised to read: “(A) responsible official must sign a form or other legal instrument provided by the department to certify the emission statement information” (proposed new text underlined). In addition, subparagraph 202-2.3(a)(3)(ix) was modified to require that the sum of the percent operation by season reported in emission statements must equal 100. Further, subparagraph 202-2.3(a)(3)(xii) was modified to state that reporting of emissions for processes with source classification codes beginning with a 1 or a 2 is optional. If the facilities don’t report emissions for these processes, DEC will calculate process-level emissions based upon the process-level fuel use reported by a facility. Subdivision 202-2.3(d) has been edited to state that facilities with Title V operating permits will receive emission statement survey forms provided by the Department. Finally, subdivision 202-2.3(e) was revised to require that facilities report emissions of SO₂, primary PM_{2.5}, and primary PM₁₀ for exempt sources during periodic inventory years in addition to the pollutants listed in the current version of the rule.

Changes to Section 202-2.4, “Procedures:” Subdivision 202-2.4(a) was repealed and replaced. New paragraph 202-2.4(a)(1) and 202-2.4(a)(2) will maintain the current April 15th deadline for submitting emissions statements until such time that a facility is subject to the electronic reporting requirement. New paragraph 202-2.4(a)(3) establishes the following deadlines for submitting emission statements under the new electronic submittal requirement:

- a) March 15th of each year for facilities with three (3) or fewer processes listed in their Title V permit;
- b) March 31st of each year for facilities with four (4) to six (6) processes listed in their Title V permit;
- c) April 15th of each year for facilities with seven (7) to twelve (12) processes listed in their Title V permit; or
- d) April 30th of each year for facilities with thirteen (13) or more processes listed in their Title V permit.

New paragraph 202-2.4(d) sets forth situations in which emission statements may be submitted via courier instead of electronic submittal:

- a) when data cannot be labeled as confidential business information using the Department’s electronic interface in accordance with 6 NYCRR Part 616; or
- b) a facility receives permission from the Department after demonstrat-

ing a need to submit via courier due to a failure of the electronic reporting interface.

Subdivisions 202-2.4(b) and 202-2.4(c) were modified to account for the change in the due date for submitting emission statements from April 15th of each year to the dates provided in paragraph 202-2.4(a)(3).

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 202-2.1(a)(1), 202-2.2, (b)(20), (21), (22), (23), (24), 202-2.3(a)(3)(vi), (vii), (viii), (xii), (e), 202-2.4(a)(2), (3) and (4)(ii).

Text of rule and any required statements and analyses may be obtained from: Carlos Mancilla, P.E., Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396, 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 and a Coastal Assessment Form have been prepared and are on file.

Summary of Revised Regulatory Impact Statement

INTRODUCTION

The Department of Environmental Conservation (DEC) has revised Subpart 202-2 to require the electronic submission of annual Emission Statements beginning in 2022 (for calendar year 2021 emissions reporting) for facilities subject to Title V of the Clean Air Act (CAA). Electronic reporting has been available for Title V facilities since 2011 (for calendar year 2010 emissions reporting).

STATUTORY AUTHORITY

The statutory authority for the promulgation of 6 NYCRR Part 202-2 is found in the New York State Environmental Conservation Law (ECL), Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105.

LEGISLATIVE OBJECTIVES

Article 19 of the ECL was enacted to safeguard the air resources of New York from pollution and ensure

protection of the public health and welfare, the natural resources of the state, and physical property by integrating industrial development with sound environmental practices. It is the policy of the state to require the use of all available, practical and reasonable methods to prevent and control air pollution in New York. To facilitate this objective, the Legislature granted specific powers and duties to the DEC, including the power to adopt and promulgate regulations to prevent, control and prohibit air pollution. The provisions cited above clearly provide the DEC with the requisite authority to create this regulation.

NEEDS AND BENEFITS

Background

Section 182(a)(3)(B) of the CAA required states to revise state implementation plans by November 15, 1990 to require owners or operators of stationary sources to submit emission statements on an annual basis beginning in 1993. The requirements for emission statements are set forth in EPA's Air Emissions Reporting Requirements rule (AERR, see 40 CFR 51). In order to implement the emissions statement requirements referenced above, the DEC adopted 6 NYCRR Subpart 202-2, "Emission Statements" on July 15, 1994. Subpart 202-2 was subsequently revised on April 29, 2005.

Pursuant to Section 202-2.4 of the current rule, emission statements must be submitted by April 15th of each year. Emission statements were submitted on paper only from 1993 through 2010. Since 2011 (for calendar year 2010 emissions reporting), facilities have had the option of submitting emission statements via paper or electronically. In 2019 (for calendar year 2018 emissions reporting), 62 percent of facilities in New York subject to Title V of the CAA submitted their emission statement electronically.

The DEC's Division of Air Resources (DAR) must develop an estimate of the billable emissions from the prior year by June 1st of each year. For emissions statements that have not been processed as of June 1st, emissions are estimated based on the emissions reported in the last emissions statement submitted or a facility's potential-to-emit if no prior statement has been submitted. This estimate is factored into the annual "Operating Permit Program Fee Rule" (6 NYCRR Subpart 482-2) which must be posted in the Environmental Notice Bulletin and filed with the Department of State by July 1st of each year¹ or 30 days after the state budget is passed, whichever is later.

DEC issues invoices for fee bills to facilities subject to Title V of the CAA on or about September 1st of each year. In order to meet that deadline, all emission statements must be processed by August 1st of each year to allow sufficient time to conduct quality assurance audits and prepare invoices.

This rulemaking will affect how facilities submit emission statements to DEC beginning in 2022 for the 2021 reporting period. DEC has revised the regulation to require that emission statements be submitted electronically. The compliance schedule and exceptions to the electronic reporting requirement are outlined below.

Electronic Reporting Schedule

The new electronic reporting requirement will apply to facilities issued a new or renewed Title V permit on or after January 1, 2021. The first reporting year in which the electronic reporting requirement will apply is the year of permit issuance. For example, a facility issued a new or renewed Title V permit during calendar year 2023 must submit emission statements electronically beginning in 2024 (for calendar year 2023 emissions reporting). All emission statements submitted in 2026 (for calendar year 2025 emissions reporting) and thereafter must be submitted electronically except under certain situations (see below).

The due dates for submitting an annual emission statement will be based on the number of processes listed in a Title V permit as follows:

1. March 15th of each year for facilities with 3 or fewer processes listed in a Title V permit;
2. March 31st of each year for facilities with 4 to 6 processes listed in a Title V permit;
3. April 15th of each year for facilities with 7 to 12 processes listed in a Title V permit; or
4. April 30th of each year for facilities with 13 or more processes listed in a Title V permit.

This schedule was established based upon a review of the number of processes listed in Title V permits as of February 28, 2019. The data generated during that review was divided into quartiles. It was assumed that, in general, the level of effort required to prepare an emission statement is directly proportional to the number of processes for which emissions are reported.

Facilities subject to electronic reporting may submit an emission statement via courier (e.g., United States Postal Service) under the following situations:

1. a facility cannot designate data (e.g., process-throughputs) considered confidential business information using the electronic reporting interface; or
2. a facility receives permission from the DEC due to a failure of the electronic interface or other related problems.

In cases where one of the above exemptions apply, the emission statement due date will continue to be based upon the above-referenced schedule.

Benefits

It is anticipated that after the first electronic submittal the process for submitting emission statements should be simpler with a lower overall cost. The first electronic submittal may take more time to complete than a paper copy depending on the complexity of the processes at a facility (e.g., some industrial processes emit dozens of pollutants). DEC has looked into steps to minimize this initial burden (e.g., DEC could pre-populate pollutants at the process level).

From the second year on, the list of pollutants for each process will be saved in the electronic reporting system. As a result, facilities would need only to enter process throughput and emissions data along with any facility process changes that occurred during the reporting year. DEC anticipates this will reduce the level of effort required to prepare and submit subsequent electronic emission statements.

DEC issued a policy document (DAR-11) on August 19, 2009 that describes the three roles facility staff (or consultants) may have in preparing, reviewing and submitting emissions statements electronically (see: <http://www.dec.ny.gov/chemical/55796.html>). The three roles are:

1. Responsible Official – The term 'Responsible Official' is defined at 6 NYCRR 201-2(b)(28) as a company officer, elected official or other person who has the authority to legally bind an entity which operates a facility subject to Part 201. A Responsible Official may enter data on the website and may submit a report to the DEC.
2. Report Editor – may enter data on the website but may not submit a report to the DEC.
3. Report Reviewer – has read-only access to the electronic website. A Report Reviewer may review data entered on the website, but may not revise the data.

The revised rule will be beneficial to DEC for a number of reasons including the following. First, electronic submittal and uploads to DEC's emissions database reduces the level of effort necessary to manually input data into DEC's emissions inventory database. Second, the level of accuracy of the data uploaded into the emissions database would be greater because the manual input of data will be minimized. Third, the annual fee bill estimate would be more accurate because a higher percentage of statements would be processed prior to June 1st. Fourth, all the statements could be processed by the August 1st deadline in order to initiate the process of preparing invoices for the Title V fee bills. Finally, electronic storage of emission statements will simplify file management.

COSTS

It is estimated that the average cost to prepare and submit emission statements on paper is \$900 per facility or six hours per facility.² For the average facility, utilizing the current electronic reporting system for the

first-time costs approximately \$1,200 (eight hours per facility), but these costs are expected to decrease to \$450 (three hours per facility) for each time thereafter. It is expected that uploading data electronically will be much easier after the initial submission because subsequent emissions data can be uploaded via DEC-provided templates (Excel files). The simple payback period is estimated at 1.8 years.

The review and processing of paper emissions statements cost DEC approximately \$480 (approximately six hours) per facility.³ The review of a similar report, submitted electronically, costs approximately \$160 (approximately two hours per facility). Therefore, the annual savings for DEC are anticipated to be \$43,200 per year (\$320 times 135 facilities that currently submit paper copies of their emission statements).

LOCAL GOVERNMENT MANDATES

The rule revision, does not impose any program, service, duty, or responsibility on any county, city, town, village, school district, fire district or other special district. Some government entities operate Title V facilities and some of them already submit their emission statements electronically.

PAPERWORK

The rule revision changes the format in which emission statements are submitted from paper to electronic.

After the first emission statement is submitted electronically, the process of preparing an electronic emission statement should be simpler than it was for paper submittals. The process of certifying an emission statement will be more complex because the responsible official for a facility must apply for and use an electronic signature.

DUPLICATION

The rule does not duplicate, overlap or conflict with any federal or state legal requirement.

ALTERNATIVES

1. No Action: The current process for submitting and processing emission statements would remain in place. DAR staff would try to encourage more facilities to submit electronically, but, without a regulatory requirement, it is not expected that the number of electronic filers would increase significantly.

2. Require Electronic Submittal of Emission Statements by April 15th beginning in 2022: There are two concerns under this scenario. First, there are approximately 135 facilities that would need to be enrolled into the electronic reporting system which constitutes a significant workload for DEC. As a result, DEC spread this workload over five (5) years in order to allow for a smooth transition to electronic reporting of emission statements. Second, staggered reporting dates, as set forth in the revised rule, will minimize traffic on the server at any given time. If there is a single compliance date, server overloading could occur which would become a burden to the regulated community and DEC.

FEDERAL STANDARDS

The rule does not exceed any minimum standards of the federal government for the submission of annual emission reports.

COMPLIANCE SCHEDULE

Electronic submittal of emission statements will be included as an enforceable condition in new or renewed Title V permits issued after January 1, 2021. For each Title V facility, the first reporting year the electronic submittal mandate will apply will be the reporting year in which the permit was issued or renewed. All emission statements submitted in 2026 (for calendar year 2025 emissions reporting) and thereafter must be submitted electronically.

The annual due dates for submitting an annual emission statement will be based on the number of processes listed in a Title V permit as follows:

1. March 15th of each year for facilities with 3 or fewer processes listed in a Title V permit;
2. March 31st of each year for facilities with 4 to 6 processes listed in a Title V permit;
3. April 15th of each year for facilities with 7 to 12 processes listed in a Title V permit; or
4. April 30th of each year for facilities with 13 or more processes listed in a Title V permit.

¹ See Environmental Conservation Law Section 72-0303.

² Assuming a labor cost of \$150 per hour. This is based on an informal survey of consultants that complete emission statements.

³ Assumptions: Grade 24 pay rate of \$97,448 per year and an overhead rate of 62.48 percent. Per: <https://www.osc.state.ny.us/agencies/guide/MyWebHelp/#VII/9/9.htm>.

Revised Regulatory Flexibility Analysis

The Department of Environmental Conservation (DEC) is has revised Subpart 202-2 to require electronic submittal of annual Emission Statements beginning in 2022 (for calendar year 2021 emissions reporting) for facilities subject to Title V of the Clean Air Act (CAA). Emission statements were submitted on paper only from 1993 through 2010. Since 2011

(for calendar year 2010 emissions reporting), facilities have had the option of submitting emission statements via paper or electronically through DEC's Air Compliance and Emissions (ACE) Electronic Reporting Tool. It is expected that electronic reporting will be beneficial for both Title V facilities, in the long term, and DEC. These benefits include reduced costs, processing time, and improved accuracy and file management.

EFFECT OF THE RULE

This rule will apply to facilities subject to Title V permitting requirements. There are local governments (cities, towns and counties) and small businesses that own and operate Title V facilities that will have to submit their emission statements electronically instead of on paper. Facilities operated by local governments include wastewater treatment plants, municipal waste combustors, landfills and waste-to-energy facilities. Facilities owned and operated by small businesses include printing operations, small power plants, compressor stations and small manufacturing facilities.

COMPLIANCE REQUIREMENTS

This rulemaking will affect how facilities submit emission statements to DEC beginning in 2022 for the 2021 reporting period. The new electronic reporting requirement will apply to facilities issued a new or renewed Title V permit on or after January 1, 2021. The first reporting year in which the electronic reporting requirement will apply is the year of permit issuance. For example, a facility issued a new or renewed Title V permit during calendar year 2023 must submit emission statements electronically beginning in 2024 (for calendar year 2023 emissions reporting). All emission statements submitted in 2026 (for calendar year 2025 emissions reporting) and thereafter must be submitted electronically except under certain situations (see below).

The due dates for submitting an annual emission statement will be based on the number of processes listed in a Title V permit as follows:

1. March 15th of each year for facilities with 3 or fewer processes listed in a Title V permit;
2. March 31st of each year for facilities with 4 to 6 processes listed in a Title V permit;
3. April 15th of each year for facilities with 7 to 12 processes listed in a Title V permit; or
4. April 30th of each year for facilities with 13 or more processes listed in a Title V permit.

Facilities subject to electronic reporting may submit an emission statement via courier (e.g., United States Postal Service) under the following situations:

1. a facility cannot designate data (e.g., process-throughputs) that are considered confidential business information using the electronic reporting interface; or
2. a facility receives permission from the DEC due to a failure of the electronic interface or other related problems.

In cases where one of the above exemptions apply, the emission statement due date will still be based upon the above-referenced schedule.

PROFESSIONAL SERVICES

Many facilities hire consultants to prepare emission statements. These consultants, some of which are small businesses, will need to learn how to use the electronic reporting system. No adverse impacts to consultants are anticipated as a result of the revised rule. Small businesses and local governments are not required to hire consultants to prepare electronic emission statements to comply with this rule.

COMPLIANCE COSTS

It is estimated that the average cost to prepare and submit emission statements on paper is \$900 per facility or six hours per facility.¹ For the average facility, utilizing the current electronic reporting system for the first-time costs approximately \$1,200 (eight hours per facility), but these costs are expected decrease to \$450 (three hours per facility) for each time thereafter. It is expected that uploading data via the current electronic reporting system will be much easier after the initial submission because subsequent emissions data can be uploaded via templates (Excel files) provided by DEC. The simple payback period is estimated at 1.8 years.

The review and processing of paper emissions statements cost DEC approximately \$480 (approximately six hours) per facility.² The review of a similar report, submitted electronically, costs approximately \$160 (approximately two hours per facility). Therefore, the annual savings for DEC are anticipated to be \$43,200 per year (\$320 times 135 facilities that currently submit paper copies of their emission statements). In addition to these monetary savings for DEC and the regulated community, this revision will eliminate much of the handling and storage of paper files.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The technical and economic feasibility of submitting emission statements electronically are demonstrated by the electronic submission progression (see Table 1). Each year more facilities submit their emissions statements electronically while very few revert back to submitting statements on paper after submitting a statement electronically. This is an indication that those facilities that have submitted emissions statements

electronically prefer the electronic mode of reporting over submitting paper reports to DEC.

Table 1: SUBMISSION THRU ACE PROGRESSION

Year	Number Facilities Submitting	Number Facilities Submitting Electronically	Percent Facilities Submitting Electronically
2010	435	79	18
2011	430	121	28
2012	414	165	40
2013	401	171	43
2014	402	180	45
2015	390	192	49
2016	386	213	55
2017	375	218	58
2018	360	224	62

MINIMIZING ADVERSE IMPACT

There are three components incorporated into the proposed rule designed to reduce adverse impacts to facilities subject to the rule. First, applicability to the rule is staggered over a multi-year period to allow an orderly process for registering new users to the current electronic reporting system. Second, the due dates for submitting annual emission statements are staggered over the period of March 15th through April 30th of each year to reduce congestion on the server. Finally, exceptions to the electronic reporting requirement are included in the proposed rule based on feedback from stakeholders.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

DEC held stakeholder meetings via webinars in May 2018 and August 2019. Representatives from Title V facilities and consultants, including any small business and local governments affected, that prepare emission statements were invited to participate on the webinars.

CURE PERIOD OR AMELIORATIVE ACTION

No additional cure period or other opportunity for ameliorative action is included in the revisions to Part 202-2. The revised regulation will not result in immediate violations or impositions of penalties for existing facilities. While revisions to Part 202-2 will become effective immediately after promulgation, to help reduce impacts on affected sources, the compliance period is phased in between 2022 and 2026.

INITIAL REVIEW

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

¹ Assuming a labor cost of \$150 per hour. This is based on an informal survey of consultants that complete emission statements.

² Assumptions: Grade 24 pay rate of \$97,448 per year and an overhead rate of 62.48 percent. Per: <https://www.osc.state.ny.us/agencies/guide/MyWebHelp/#VII/9/9.htm>.

Revised Rural Area Flexibility Analysis

INTRODUCTION

The Department of Environmental Conservation (DEC) has revised Subpart 202-2 to require electronic submission of annual Emission Statements beginning in 2022 (for calendar year 2021 emissions reporting) for facilities subject to Title V of the Clean Air Act (CAA). Electronic reporting has been available for Title V facilities since 2011 (for calendar year 2010 emissions reporting). It is expected that electronic reporting will be beneficial for both Title V facilities, in the long term, and DEC. These benefits include reduced costs, processing time, and improved accuracy and file management.

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS AFFECTED

This rule will affect Title V facilities located in rural areas throughout New York State.

REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES

Section 182(a)(3)(B) of the CAA required states to revise State Implementation Plans by November 15, 1990 to require the owners or operators of stationary sources to submit emission statements on an annual basis beginning in 1993. The requirements for emission statements are set forth in EPA's Air Emissions Reporting Requirements rule (AERR, see 40 CFR 51). In order to implement the emissions statement requirements referenced above, DEC adopted 6 NYCRR Subpart 202-2, "Emission Statements" on July 15, 1994. Subpart 202-2 was subsequently revised on April 29, 2005.

Emission statements were submitted on paper only from 1993 through 2010. Since 2011 (for calendar year 2010 emissions reporting), facilities have had the option of submitting emission statements via paper or electronically through DEC's Air Compliance and Emissions (ACE) Electronic Reporting Tool.

This rulemaking will affect how facilities submit emission statements to DEC beginning in 2022 (for calendar year 2021 emissions reporting). The new electronic reporting requirement will apply to facilities issued a new or renewed Title V permit after January 1, 2021. The first reporting year in which the electronic reporting requirement will apply is the year of permit issuance. For example, a facility issued a new or renewed Title V permit during calendar year 2023 must submit emission statements electronically beginning in 2024 (for calendar year 2023 emissions reporting). All emission statements submitted in 2026 (for calendar year 2025 emissions reporting) and thereafter must be submitted electronically except under certain situations (see below).

The due dates for submitting an annual emission statement will be based on the number of processes listed in a Title V permit as follows:

1. March 15th of each year for facilities with 3 or fewer processes listed in a Title V permit;
2. March 31st of each year for facilities with 4 to 6 processes listed in a Title V permit;
3. April 15th of each year for facilities with 7 to 12 processes listed in a Title V permit; or
4. April 30th of each year for facilities with 13 or more processes listed in a Title V permit.

Facilities subject to electronic reporting may submit an emission statement via courier (e.g., United States Postal Service) under the following situations:

1. a facility cannot designate data (e.g., process-throughputs) that are considered confidential business information using the electronic reporting interface; or
2. a facility receives permission from the DEC due to a failure of the electronic interface or other related problems.

In cases where one of the above exemptions apply, the emission statement due date will still be based upon the above-referenced schedule.

COSTS

It is estimated that the average cost to prepare and submit emission statements on paper is \$900 per facility or six hours per facility.¹ For the average facility, utilizing the current electronic reporting system for the first-time costs approximately \$1,200 (eight hours per facility), but these costs are expected decrease to \$450 (three hours per facility) for each time thereafter. It is expected that uploading data via the current electronic reporting system will be much easier after the initial submission because subsequent emissions data can be uploaded via DEC-provided templates (Excel files). The simple payback period is estimated at 1.8 years.

The review and processing of paper emissions statements cost DEC approximately \$480 (approximately six hours) per facility.² The review of a similar report, submitted electronically, costs approximately \$160 (approximately two hours per facility). Therefore, the annual savings for DEC are anticipated to be \$43,200 per year (\$320 times 135 facilities that currently submit paper copies of their emission statements). In addition to these monetary savings for DEC and the regulated community, this revision would eliminate much of the handling and storage of paper files in this context.

MINIMIZING ADVERSE IMPACT

There are three components incorporated into the revised rule designed to reduce adverse impacts to facilities subject to the rule. First, applicability to the rule is staggered over a multi-year period to allow an orderly process for registering new users to the current electronic reporting system. Second, the due dates for submitting annual emission statements are staggered over the period of March 15th through April 30th of each year to reduce congestion on the server. Finally, exceptions to the electronic reporting requirement are included in the revised rule based on feedback from stakeholders.

RURAL AREA PARTICIPATION

All Title V facilities, including those located in rural areas, had the opportunity to participate in the rule making process by participating in stakeholder webinars held in May 2018 and August 2019 and providing feedback to DEC.

INITIAL REVIEW

The initial review of this rule shall occur no later than in the third calendar year after the year in which the rule is adopted.

¹ Assuming a labor cost of \$150 per hour. This is based on an informal survey of consultants that complete emission statements.

² Assumptions: Grade 24 pay rate of \$97,448 per year and an overhead rate of 62.48 percent. Per: <https://www.osc.state.ny.us/agencies/guide/MyWebHelp/#VII/9/9.htm>.

Revised Job Impact Statement**INTRODUCTION**

The Department of Environmental Conservation (DEC) has revised Subpart 202-2 to require electronic submissions of annual Emission Statements beginning in 2022 (for calendar year 2021 emissions reporting) for facilities subject to Title V of the Clean Air Act (CAA). Electronic reporting has been available for Title V facilities since 2010. It is expected that electronic reporting will be beneficial for both Title V facilities, in the long term, and DEC.

NATURE OF IMPACT

There are no expected negative impacts on jobs or employment opportunities from these revisions. The same staff that prepare paper copies of emission statements can prepare electronic reports.

CATEGORIES AND NUMBER OF JOBS OR EMPLOYMENT OPPORTUNITIES AFFECTED

There are several categories of employment opportunities affected, however no adverse impacts to those opportunities are anticipated. Among the categories affected are:

1. Consultants

Several facilities contract out emission statement development to consulting firms. These firms will still be able to create emissions statements in formats appropriate to submit through the DEC's electronic reporting system. There are some changes in format, but this is not expected to impact employment opportunities at consulting firms.

2. Facility Engineers, Environmental, and Health Professionals

In most cases facility personnel create annual emission statements. This rule will change the way facilities report their emissions, but no changes in employment opportunities are anticipated.

3. DEC staff

The level of effort required to process emission statements will be reduced as a result of this rule. This will allow staff to address other DEC priorities. No impacts on employment opportunities at DEC are anticipated.

REGIONS OF ADVERSE IMPACT

The rule revision will apply statewide. No adverse impacts to employment opportunities are anticipated in any region of the state.

MINIMIZING ADVERSE IMPACT

No measures have been taken to minimize any unnecessary adverse impact on existing jobs since no negative impacts are expected to occur from this rule revision.

SELF-EMPLOYMENT OPPORTUNITIES

No adverse impacts to self-employment opportunities are anticipated from this rule revision.

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Office for People with Developmental Disabilities

NOTICE OF ADOPTION**Medication Regimen Review**

I.D. No. PDD-35-20-00001-A

Filing No. 711

Filing Date: 2020-11-03

Effective Date: 2020-11-18

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

Action taken: Amendment of section 633.17 of Title 14 NYCRR.

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

Subject: Medication regimen review.

Purpose: Provides increased flexibility for providers.

Text or summary was published in the September 2, 2020 issue of the Register, I.D. No. PPD-35-20-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Avenue, Albany, NY 12229, (518) 474-7700, email: rau.unit@opwdd.ny.gov

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

Assessment of Public Comment

The agency received no public comment.

Department of Health

NOTICE OF ADOPTION**Empire Clinical Research Investigator Program (ECRIP)**

I.D. No. HLT-47-19-00009-A

Filing No. 709

Filing Date: 2020-11-02

Effective Date: 2020-11-18

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

Action taken: Amendment of section 86-1.46 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2807-m(5-a), (b)

Subject: Empire Clinical Research Investigator Program (ECRIP).

Purpose: To expand the types of and change the time frames for past research grants that qualify staff to supervise the ECRIP project.

Text or summary was published in the November 20, 2019 issue of the Register, I.D. No. HLT-47-19-00009-P.

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

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

Public Service Commission

**PROPOSED RULE MAKING
HEARING(S) SCHEDULED****Recommendations of the DPS Staff Report to Improve Hudson Valley Water's Service**

I.D. No. PSC-46-20-00005-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 recommendations of a DPS Staff report regarding Hudson Valley Water Companies, Inc.'s provision of water service and the need for improvement.

Statutory authority: Public Service Law, sections 89-b, 89-c, 89-i and 89-j

Subject: Recommendations of the DPS Staff report to improve Hudson Valley Water's service.

Purpose: To determine if approving the DPS Staff's recommendations is in the public interest.

Public hearing(s) will be held at: 4:00 p.m., Jan. 19, 2021. The Public Hearing will be held online and by telephone. Details for access will be published via Notice at the DPS website (www.dps.ny.gov) under Case 20-W-0477.*

*On occasion, there are requests to reschedule or postpone hearing

dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-W-0477.

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

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

Substance of proposed rule: The Commission is considering the recommendations of a Department of Public Service Staff (Staff) report, filed on October 2, 2020, regarding Hudson Valley Water Companies, Inc.'s (the Company) provision of water service and the need for improvement.

On August 9, 2019, the Commission directed Staff to commence an investigation into the Company's provision of water service, pursuant to Public Service Law (PSL) § 89-I, after receiving petitions from more than 25 of the Company's ratepayers. On October 2, 2020, Staff's report was released. Staff found that the Company's billing practices, customer service, and recordkeeping were not compliant with Commission regulations. In addition, some of the Company's systems suffer from reduced water pressure, cloudy water, and periodic loss of service. Staff's Report contains 49 recommendations designed to improve the Company's water service. A Commission Order was issued on the same date instructing the Company to submit a plan showing how it will comply with Staff's recommendations within 60 days.

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

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

Data, views or arguments may be submitted to: Michelle 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-W-0477SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-46-20-00004-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 the notice of intent of 136 Broadway LP to submeter electricity at 132-136 Broadway, Schenectady, New York.

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

Subject: 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 136 Broadway, LP on August 11, 2020, to submeter electricity at 132-136 Broadway, Schenectady, New York, located in the territory of Niagara Mohawk Power Corporation d/b/a National Grid.

In the notice of intent, 136 Broadway, LP requests authorization to take electric service from National Grid 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-0393SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Amendments to the SIR

I.D. No. PSC-46-20-00006-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 members of the Interconnection Policy Working Group requesting that the Commission amend the cost-sharing process in the New York State Standardized Interconnection Requirements (SIR).

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

Subject: Amendments to the SIR.

Purpose: To more effectively interconnect distributed generation and energy storage Systems 5 MW or less to the distribution system.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition filed on October 29, 2020 by members of the Interconnection Policy Working Group (IPWG) including, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (collectively, the "Joint Utilities") and the New York Solar Energy Industries Association ("NYSEIA"), New York Battery and Energy Storage Technology Consortium ("NY-BEST"), BQ Energy, LLC, Borrego Solar Systems, Inc., Cypress Creek Renewables, LLC, CleanChoice Energy, Oya Solar Inc., SunCommon, GreenSpark Solar, Distributed Sun, LLC, Clearway Energy Group LLC, Sol Systems, Omni Navitas, Ameresco, Nexamp, Inc., Blueprint Power, US Light Energy, Delaware River Solar, Dynamic Energy, EDF Renewables North America, NextEra Energy Resources, LLC, Novis Renewables, LLC, Con Edison Clean Energy Businesses, Inc., Boralex Inc., GEM Energy, East Light Partners, Horizon Power, Dimension Energy LLC, ETM Solar Works, Ric Energy, AES Distributed Energy, and Summit Ridge Energy (collectively, the IPWG Members).

The IPWG Members request that the Commission modify the "New York State Standardized Interconnection Requirements and Application Process for New Distributed Generators and Energy Storage Systems 5 MW or Less Connected in Parallel with Utility Distribution Systems" (the SIR), by replacing the current "first-mover" cost-sharing mechanism with the proposed "pro rata" cost sharing mechanism (the Cost-Sharing Proposal). The IPWG Members explain that the Cost-Sharing Proposal would equitably allocate the cost of distribution system upgrades by the utility assigning each interconnecting project a specific distribution hosting capacity fee when an upgrade is needed. The IPWG Members further explain that the Cost-Sharing Proposal applies to two categories of distribution upgrades: 1) "utility-initiated distributed generation (DG) or energy storage system (ESS) upgrades;" and, 2) "market-initiated DG/ESS upgrades."

The proposed utility-initiated DG/ESS upgrade process would apply to each utility's Capital Investment Plan (CIP), and will consider options to upgrade the equipment to provide for greater hosting capacity rather than a replacement-in-kind. This process would be initiated by each of the Joint Utilities posting a list of substations with major upgrade plans, or "multi-value distribution (MVD) plans," on their respective system data portals and an estimate of funding needed to create additional hosting capacity to allow DG/ESS interconnections at that substation. This list will include an estimate of the financial obligation of a first-mover interconnection project and projects that may interconnect after the first project.

The proposed market-initiated DG/ESS upgrades process would occur when a hosting capacity upgrade is needed, there are at least two projects requesting interconnection at this site, and the CIP does not contemplate upgrading or replacing that equipment. Each utility would determine the interconnection fee in dollars per kilowatt (kW) by dividing the sum of the total costs of the “qualifying upgrade” at each designated location by a factor representing the sum of the total hosting capacity in kW of that designated location. The IPWG Members propose that costs of these qualifying upgrades not recovered by additional interconnecting projects sharing in the cost would be deferred until the utility’s next rate plan period for rate base recovery. To limit these potential unrecovered costs, the IPWG Members propose a cap of no more than two percent of a utility’s distribution/sub-transmission electric capital investment budget per fiscal year. The cap would be updated annually and calculated as a rolling five-year average of each utility’s forecasted distribution/sub-transmission electric capital investment for the impacted year and the next four years according to each utility’s current CIP. If this two percent cap is reached, the interconnecting projects would be required to fully fund any qualifying upgrades.

The IPWG Members propose that when a utility is planning a capital upgrade, the utility would create a “Capital Project Queue” at the substation or feeder level for those DG/ESS applications unable to interconnect due to the pending upgrade and update the hosting capacity map to reflect zero hosting capacity for that location. Projects already in the interconnection queue at that location may consent to join the Capital Project Queue or the utility will withdraw their interconnection application from the interconnection queue. SIR timelines would be suspended for projects in the Capital Project Queue until the upgrade is within 18 months of the expected completion date, at which time the projects would advance through the remaining SIR steps.

The IPWG Members propose that, if the Commission adopts this Cost-Sharing Proposal, interconnection applications in the queue should be treated in the following ways: (1) for interconnection applications that have not yet advanced to the Coordinated Electric System Interconnection Review (CESIR) process, the Cost-Sharing Proposal would apply; (2) for interconnection applications in the CESIR process, the Cost-Sharing Proposal would apply; (3) for interconnection applications that have completed the CESIR process, regardless of whether the initial 25 percent payment has been made or not, the interconnecting customer can request an evaluation of the completed CESIR to determine the applicability of the Cost-Sharing Proposal mechanism; and (4) for interconnection applications that have made full payment, the interconnecting customer would not be eligible for the Cost-Sharing Proposal.

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.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-0543SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Compliance of New York Transco LLC with the Applicable Portions of the Electric Safety Standards

I.D. No. PSC-46-20-00007-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 New York Transco LLC (Transco) seeking clarification concerning its compliance with the Commission’s Electric Safety Standards and the order granting Transco lightened regulation.

Statutory authority: Public Service Law, sections 5, 22, 65 and 66

Subject: Compliance of New York Transco LLC with the applicable portions of the Electric Safety Standards.

Purpose: To consider the petition of New York Transco LLC for clarification of its responsibilities under the Electric Safety Standards.

Substance of proposed rule: The Commission is considering a petition filed on October 16, 2020 by New York Transco LLC (Transco or the Company) seeking clarification that its immediate and future plans for conducting stray voltage testing on its current electric facilities will comply with the portion of the Commission’s Electric Safety Standards (Standards), established by the Commission in Case 04-M-0159, applicable to Transco as set forth in the lightened regulation order issued in Case 15-E-0743 (Lightened Regulation Order).

In its petition, Transco maintains that it is not a “utility” as defined by the Standards, and furthermore that the Lightened Regulation order only specifically requires the Company to conduct tests for stray voltage on all publicly accessible electric facilities and did not impose all requirements of the Standards on Transco. As a result, it contends that the only publicly accessible facility that must be tested for stray voltage is the fence surrounding the Marcy South series capacitor bank station. In addition, Transco will also voluntarily commit to test a variable percentage of its electric facilities on an annual basis over the course of each five-year inspection cycle such that it completes its testing by the end of year five as required by Section 4 of the Standards. The Company will submit formal reports to the Commission confirming compliance with these commitments.

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 actions 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.

(15-E-0743SP2)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Compliance Report by Electric Utilities on Developing Distribution and Local Transmission in Accordance with the AREGCB Act

I.D. No. PSC-46-20-00008-P

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

Proposed Action: The Commission is considering the filing of a Transmission Report in compliance with a May 2020 Order regarding distribution and local transmission investments in accordance with the Accelerated Renewable Energy Growth and Community Benefit Act.

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

Subject: Compliance report by electric utilities on developing distribution and local transmission in accordance with the AREGCB Act.

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

Substance of proposed rule: The Public Service Commission (Commission) is considering the Transmission Policy Working Group Proposals and Recommendations (Transmission Report) filed on November 2, 2020 by Central Hudson Gas & Electric Corp., Consolidated Edison Company of New York, Inc., Long Island Power Authority, Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation, New York State Energy Research and Development Authority, Orange & Rockland Utilities, Inc. and Rochester Gas and Electric

Corporation (Transmission Working Group) in compliance with the Commission’s May 14, 2020 Order on Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act (AREGCB Act), L. 2020, Ch. 58, Part JJJ (May Order).

The AREGCB Act directs the Commission to take specific actions to ensure that New York’s electric grid will support the State’s Climate Leadership and Climate Protection Act (CLCPA) mandates. The AREGCB Act and the May Order distinguish between distribution, local transmission and “bulk” transmission assets. The Transmission Report only addresses distribution and local transmission issues. Distribution facilities are regulated by the Commission according to the New York Public Service Law. Local transmission is subject to both state and federal regulation, but rates and cost recovery are regulated by the Commission pursuant to Public Service Law. The Transmission Report discusses proposals and recommendations concerning CLCPA Investment Criteria and Project Prioritization processes; Local Transmission Benefit Cost Analysis; project Cost Allocation and Recovery; Stakeholder Engagement, and the interplay with Public Service Law, Article VII siting process.

The Transmission Report acknowledges that the integration of clean generation in New York State will require a “restructuring and repurposing” of New York’s electric local transmission and distribution (sometimes referred to as LT&D) infrastructure. The Transmission Report proposes a distribution and local transmission capital plan for each utility and a corresponding planning process to guide future investments. The Transmission Report defines “local transmission” as transmission line(s) and substation(s) that generally serve local load, and transmission lines which transfer power to other service territories and operate at less than 200 kV, and focuses on adapting existing distribution and local transmission planning processes and identifying and accelerating select projects in order to facilitate achievement of CLCPA objectives.

The Transmission Report recognizes that the achievement of clean energy mandates will require modification of electric utilities’ planning objectives, and therefore changes to the system planning and project prioritization processes, decision-making tools, and stakeholder involvement. The Transmission Report also notes that the CLCPA and the AREGCB Act may also require changes to existing practices concerning cost allocation and cost recovery, as certain benefits of the necessary or appropriate utility transmission and distribution investments will accrue not only to customers within, but also outside, the investing utility’s service areas. The Transmission Report proposes that for projects that support the CLCPA, project beneficiaries should include all customers across the state.

The full text of the Transmission Report and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the actions 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-0197SP3)

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

Proposed Public Policy Transmission Needs/Public Policy Requirements, As Defined Under the NYISO Tariff

I.D. No. PSC-46-20-00009-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 proposed Public Policy Transmission Needs/Public Policy Requirements submitted by the New York Independent System Operator, Inc. (NYISO) on October 9, 2020.

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

Subject: Proposed Public Policy Transmission Needs/Public Policy Requirements, as defined under the NYISO tariff.

Purpose: To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.

Substance of proposed rule: The Public Service Commission (Commission) is considering proposed Public Policy Transmission Needs/Public Policy Requirements, as defined in the New York Independent System Operator, Inc.’s (NYISO) Open Access Transmission Tariff (Attachment Y), which were submitted by the NYISO on October 9, 2020.

The NYISO submitted fifteen proposals for transmission needs driven by Public Policy Requirements, which were provided to the NYISO by: (1) Anbaric Development Partners, LLC, (2) AVANGRID, Inc., (3) City of New York, (4) Con Edison Transmission, Inc., (5) EDF Renewables North America, (6) H.Q. Energy Services (U.S.) Inc., (7) Invenergy Renewables LLC, (8) LS Power Grid New York, LLC (9) NextEra Energy Transmission New York, (10) New York Transco LLC, (11) New York Power Authority, (12) New York Transmission Owners (including Central Hudson Gas & Electric Corp.; Consolidated Edison Company of New York, Inc.; Niagara Mohawk Power Corporation d/b/a/ National Grid; New York Power Authority; New York State Electric & Gas Corp.; Orange & Rockland Utilities; and, Rochester Gas & Electric Company), (13) Orsted U.S. Offshore Wind, (14) PSEG Long Island, and (15) Transource New York, LLC.

In accordance with its Policy Statement issued in Case 14-E-0068 on August 15, 2014, the Commission seeks comments on whether any of the proposals should be identified as Public Policy Transmission Needs/Public Policy Requirements that may drive the need for transmission and should be referred to the NYISO to solicit and evaluate potential solutions.

The full text of the proposed Public Policy Transmission Needs/Public Policy Requirements 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 other related matters, including but not limited to, (i) whether the Commission should provide evaluation criteria to the NYISO or require the NYISO to perform specific analyses as part of its project review process, or (ii) whether any proposed Public Policy Transmission Needs/Public Policy Requirements should be addressed by transmission or non-transmission solutions. The Commission may also prescribe a cost allocation methodology associated with any identified Public Policy Transmission Needs/Public Policy Requirements.

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.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-0497SP1)

**Department of Taxation and
Finance**

**EMERGENCY
RULE MAKING**

Property Tax Levy Limits for School Districts in Relation to Certain Costs Resulting from Capital Local Expenditures

I.D. No. TAF-02-20-00001-E

Filing No. 713

Filing Date: 2020-11-03

Effective Date: 2020-11-03

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

Action taken: Addition of Part 8300 to Title 20 NYCRR.

Statutory authority: Education Law, section 2023-a(2)(c); Tax Law, section 171, subdivision First

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

Specific reasons underlying the finding of necessity: The Commissioner is required, pursuant to Education Law section 2023-a(2)(c), to, as appropriate, promulgate rules and regulations that may provide for adjustment of capital local expenditures to reflect a school district's share of additional budgeted capital expenditures made by a board of cooperative educational services (BOCES).

These amendments adding new Part 8300 to 20 NYCRR are consistent with this statutory requirement and are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES.

This rule is being re-adopted on an emergency basis in order to allow school districts to include in their capital local expenditures for their 2020-21 school budgets their allowable share of additional budgeted capital expenditures made by a BOCES.

Subject: Property tax levy limits for school districts in relation to certain costs resulting from capital local expenditures.

Purpose: To implement Education Law 2023-a relating to certain costs resulting from capital local expenditures of school districts.

Text of emergency rule: A new Part 8300 is added to read as follows:

Part 8300

Education Law section 2023-a(2)(c)

Capital Local Expenditures for School District's Share of Additional Budgeted Capital Local Expenditures Made by a Board of Cooperative Educational Services

Section 8300.1. Definition of Capital Local Expenditures.

(a) Pursuant to Education Law Section 2023-a, beginning in the 2020-2021 school year and each school year thereafter, school districts may increase their property tax levy above the levy limit for certain costs resulting from Capital Local Expenditures, including the allowable share of board of cooperative educational services (BOCES) capital expenditures.

(b) For purposes of this section, Capital Local Expenditures are defined as those expenditures, including a school district's allowable share of BOCES capital expenditures, resulting from the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for school district/BOCES capital facilities, school district/BOCES capital equipment, including debt service and lease expenditures, and transportation capital debt service, subject to the approval of the qualified voters where required by law.

(c) Capital Local Expenditures must be for projects with a period of probable usefulness as defined in Local Finance Law.

(d) Capital Local Expenditures do not include expenditures for maintenance or operations.

(e) For the purposes of calculating the levy limit for 2020-2021, a district's share of BOCES capital expenditures in 2019-2020 must be added to the calculation of the prior year capital local expenditures.

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. TAF-02-20-00001-EP, Issue of January 15, 2020. The emergency rule will expire January 1, 2021.

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Tax Law, section 171, subdivision First, generally authorizes the Commissioner of Taxation and Finance to promulgate regulations; Education Law section 2023-a(2)(c) provides that the Commissioner of Taxation and Finance shall, as appropriate, promulgate rules and regulations that may provide for adjustment of capital local expenditures to reflect a school district's share of additional budgeted capital expenditures made by a board of cooperative educational services (BOCES).

2. LEGISLATIVE OBJECTIVES:

The amendments adding new Part 8300 to 20 NYCRR are consistent with the above statutory authority and are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES.

3. NEEDS AND BENEFITS:

Education Law section 2023-a provides that, unless otherwise provided by law, the amount of taxes that may be levied by or on behalf of any school district, other than a school district of a city with 125,000 inhabitants or more, shall not exceed the tax levy limit established pursuant to

such section. This section provides for separate approval of certain capital local expenditures and also provides that the Commissioner of Taxation and Finance shall, as appropriate, promulgate rules and regulations that may provide for adjustment of capital local expenditures to reflect a school district's share of additional budgeted capital expenditures made by a BOCES.

Under this authority the proposed amendments provide that, beginning in the 2020-2021 school year and each school year thereafter, school districts may include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES.

4. COSTS:

a. Costs to State government: The amendments do not impose any costs on State government.

b. Costs to local government: The amendments do not impose any costs on local government.

c. Costs to private regulated parties: The amendments do not impose any costs on private regulated parties.

d. Costs to regulating agency for implementation and continued administration: The amendments do not impose any costs on the regulating agency for implementation and continued administration.

5. LOCAL GOVERNMENT MANDATES:

The amendments do not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The amendments do not impose any additional paperwork requirements.

7. DUPLICATION:

The amendments do not duplicate existing State or Federal requirements.

8. ALTERNATIVES:

The amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES. There were no significant alternatives and none were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that all regulated parties will be in compliance with the amendments when they take effect.

Regulatory Flexibility Analysis

(a) Small businesses:

1. EFFECT OF RULE:

These amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a board of cooperative educational services (BOCES). The amendments do not affect small business taxpayers any differently than other taxpayers.

2. COMPLIANCE REQUIREMENTS:

The amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES and do not impose any additional compliance requirements.

3. PROFESSIONAL SERVICES:

The amendments do not impose any additional professional services requirements on small businesses.

4. COMPLIANCE COSTS:

The amendments do not impose any additional program, service, duty, responsibility or cost on small businesses, beyond those inherent in the implementation of Education Law section 2023-a.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The rule does not impose any additional costs or technological requirements on small businesses.

6. MINIMIZING ADVERSE IMPACT:

The amendments provide school districts with flexibility to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES. The amendments minimize adverse impact on local governments and do not impose any additional costs to the State, regulated parties, or the Department of Taxation and Finance beyond those inherent in the implementation of Education Law section 2023-a. Accordingly, no alternatives were considered.

7. SMALL BUSINESS PARTICIPATION:

Comments on the rule will be solicited from the United States Chamber of Commerce Small Business Council.

(b) Local government:

1. EFFECT OF RULE:

The amendments apply to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

The amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES and do not impose any additional compliance requirements.

3. NEEDS AND BENEFITS:

Education Law section 2023-a provides that, unless otherwise provided by law, the amount of taxes that may be levied by or on behalf of any school district, other than a school district of a city with 125,000 inhabitants or more, shall not exceed the tax levy limit established pursuant to that section. Section 2023-a provides for separate approval of certain capital local expenditures and also provides that the Commissioner of Taxation and Finance shall, as appropriate, promulgate rules and regulations that may provide for adjustment of capital local expenditures to reflect a school district's share of additional budgeted capital expenditures made by a BOCES.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed amendments apply to all school districts in the State, including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The proposed amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a board of cooperative educational services (BOCES).

3. COMPLIANCE COSTS:

The proposed amendments do not impose any additional costs on the State, regulated parties, or the Department of Taxation and Finance, beyond those inherent in the implementation of Education Law section 2023-a.

4. MINIMIZING ADVERSE IMPACT:

Since the proposed amendments provide school districts with flexibility to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES, the proposed amendments minimize adverse impacts on rural areas.

5. RURAL AREA PARTICIPATION:

Comments on the proposed amendments will be solicited from the State Education Department's Rural Advisory Committee, whose membership includes school districts located in rural areas.

Job Impact Statement

These amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a board of cooperative educational services.

The amendments will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the amendments that they will have no impact on jobs or employment opportunities attributable to the adoption of the rule, or only a positive impact, no affirmative steps were needed to ascertain these facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

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

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

Filing No. 712

Filing Date: 2020-11-03

Effective Date: 2020-11-03

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

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

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

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

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

Text or summary was published Pursuant to the authority contained in subdivision First of section 171, subdivision (c) of section 301-h, subdivision 7 of section 509, subdivision (b) of section 523 and subdivision (a) of section 528 of the Tax Law, the Commissioner of Taxation and Finance hereby makes and adopts the following amendments to the Fuel Use Tax Regulations, as published in Article 3 of Subchapter C of Chapter III of

Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York. Section 1. Paragraph (1) of subdivision (b) of section 492.1 of such regulations is amended by adding a new subparagraph (c) to read as follows:

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

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

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

Assessment of Public Comment

The agency received no public comment.

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

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

I.D. No. TAF-46-20-00003-P

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

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

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

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

Purpose: To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021.

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

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

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

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

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

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

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

Office of Temporary and Disability Assistance

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Payment Access Cards

I.D. No. TDA-46-20-00002-P

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

Proposed Action: Amendment of Parts 383, 387.2(y)(1), 387.4, 387.17(c); and addition of Part 384 to Title 18 NYCRR.

Statutory authority: Social Services Law, sections 17(a)-(b), (k), 20(3)(d), 34(3)(f), 95, 131(1), (9); L. 2020, ch. 56, part V

Subject: Payment access cards.

Purpose: To update State regulations pertaining to payment access cards to align with part V of chapter 56 of the Laws of 2020.

Text of proposed rule: Part 383 of Title 18 NYCRR is amended to read as follows:

PART 383

[IDENTIFICATION] PAYMENT ACCESS CARDS

§ 383.1 General issuance.

Each social services official must issue a [photographic ID] *payment access card*, in accordance with the specifications of the office, to any person who is eligible for public assistance and to whom payment is to be made, except to a recipient who [is unable to cash his or her own check personally or to access benefits personally through electronic issuance systems, or] is a resident in a medical or health-related facility.

§ 383.2 Contracts.

The office must contract with a [photo ID] supplier for the necessary equipment, services and supplies to implement this requirement. When a recipient claims that his or her [ID] *payment access card*, which is required to access benefits through electronic issuance systems, has been lost, stolen or destroyed, or that the security features of the card have been compromised, the social services district must provide the recipient with a replacement *payment access card* within 48 hours, exclusive of holidays and weekends, once the recipient has complied with the [local] *social services district's* identification verification requirements.

Subdivision (a) of § 383.3 is REPEALED and RESERVED and subdivision (b) is amended to read as follows:

§ 383.3 Grantee responsibility.

(a) [Each appropriate grantee is required to pose for and accept an identification card; and, upon request, to present the card as identification for the delivery or cashing of a public assistance check or for accessing benefits through electronic issuance systems. Failure of a grantee to fulfill these requirements makes him or her ineligible for assistance; and if he or she is the only eligible grantee in the family, the needs of the other eligible family members must be met as a protective payment.] *[Reserved]*

(b) Each appropriate grantee must receive an initial [ID] *payment access card* at no charge to the grantee. When a recipient claims that his or her [ID] *payment access card*, which is required to access benefits through electronic issuance systems, has been lost, stolen or destroyed, or that the security features of the card have been compromised, the social services district must provide the recipient with a replacement *payment access card* within 48 hours, exclusive of holidays and weekends, once the recipient has complied with the [local] *social services district's* identification verification requirements.

Sections 383.4 and 383.5 are amended to read as follows:

§ 383.4 Medical assistance.

(a) Each [local] social services [department] *district* shall issue medical assistance [identification] *payment access cards* for its entire [public assistance] *public assistance-* and [medical assistance only] *medical assistance-only* caseload (including chronic and foster-care cases) in the manner and at the times required in Part 360 of this Title.

(b) The [identification] *payment access card* issued to a person eligible for medical assistance shall constitute full authorization for providing any medical services and supplies for which the person is eligible.

§ 383.5 Improper utilization of medical assistance identification card.

If the [local] social services district is advised by the department that a recipient of medical assistance has utilized his *or her* medical assistance [identification] *payment access card* improperly to obtain care or services, the [local] social services district shall:

(a) restrict, in accordance with procedures described in section 360.32 of this Title, the use of such card to a single provider in the restriction category; or

(b) require prior approval of the [local] social services district for any or all ambulatory care and services requested by the recipient, except emergency care and services.

A new Part 384 is added to Title 18 NYCRR to read as follows:

PART 384

IDENTIFICATION CARDS

§ 384.1 Non-driver's identification card.

(a) Pursuant to section 490(3)(a)(iii) of the Vehicle and Traffic Law, a person who meets the following requirements may apply to the Department of Motor Vehicles for a non-driver's identification card and receive such card without the payment of any fee, upon submitting the appropriate application:

(1) an individual who is a recipient of:

(i) public assistance, as defined in section 2(19) of the Social Services Law;

(ii) supplemental nutrition assistance program benefits, pursuant to section 95 of the Social Services Law; or

(iii) medical assistance, as defined in section 2(38)(a) of the Social Services Law; and

(2) an individual who:

(i) has not been issued a driver's license;

(ii) has a driver's license which has expired; or

(iii) has surrendered his or her driver's license.

(b) The application for a non-driver's identification card must include proof that such person is in receipt of public assistance, supplemental nutrition assistance program benefits, or medical assistance, as the case may be.

Part 387 of Title 18 NYCRR is amended to read as follows:

Paragraph (1) of subdivision (y) of § 387.2 is amended to read as follows:

§ 387.2 Responsibilities of local department.

In order to assist needy families and individuals to obtain [food stamps] *SNAP benefits*, each [local] social services [department] *district* shall:

(y) provide eligible households with:

(1) a [food stamp identification] *payment access card* and all authorizing materials necessary to obtain [food stamp] *SNAP benefits*;

The Part 387 Index for § 387.4 is amended to read as follows:

Sec. 387.4 Security control, processing of [food stamp identification cards (DSS-104 or State-approved local equivalent)] *payment access cards* and the State-approved social services district notice of change form.

Section 387.4 is amended to read as follows:

§ 387.4 Security control, processing of [food stamp identification cards (DSS-104 or State-approved local equivalent)] *payment access cards* and the State-approved social services district notice of change form.

(a) Any unauthorized issuance, use or alteration of a [food stamp identification card (DSS-104 or State-approved local equivalent)] *payment access card* or the State-approved social services district notice of change form is a federal crime. Social services districts must take all precautions necessary to avoid unauthorized use of [food stamp identification] *payment access cards* or notice of change forms and must safeguard these documents from theft, embezzlement, loss, damage or destruction. For purposes of this section, the term [food stamp identification] *payment access card* also includes the common benefit identification card (CBIC) used to obtain [food stamps] *SNAP benefits* in all social services districts [except New York City] and the corresponding personal identification number (PIN) selection form used to register the access code with such identification card.

(b) All blank [food stamp identification] *payment access cards* and notice of change forms must be kept in secure storage under lock and key.

(c) Access to blank [food stamp identification] *payment access cards* and notice of change forms must be limited to assigned personnel.

(d) An inventory control record must be maintained by all offices and individuals responsible for distributing blank [food stamp identification] *payment access cards* to other social services district personnel. At a minimum, such an inventory control record must provide for all of the following:

(1) the assignment of a specific individual or a limited number of individuals to maintain the inventory control record. Whenever possible, offices responsible for a bulk supply of [food stamp identification] *payment access cards* must limit this responsibility to a single person;

(2) a record by serial number and date of all [food stamp identification] *payment access cards* withdrawn from or placed in inventory; and

(3) the signature of the person receiving the blank [food stamp identification] *payment access cards* as a record of receipt.

(e) The inventory control records maintained on [food stamp identification] *payment access cards*[,] must be retained for audit purposes in accordance with section 387.2(k) of this Part.

(f) A physical inventory must be made of all [food stamp identification] *payment access* cards at least once a calendar year.

(g) Social services districts must notify the department immediately if counterfeit or stolen [food stamp identification] *payment access* cards and/or notice of change forms are discovered or if a theft occurs.

(h) When a recipient who accesses [food stamp] *SNAP* benefits by use of a [CBIC] *payment access card* reports the loss or theft of that [CBIC] *payment access card*, the social services district must immediately initiate procedures to prevent unauthorized access to the recipients' [food stamp] *SNAP* benefits.

Subdivision (c) of § 387.17 is amended to read as follows:

(c) All eligible [food stamp] *SNAP* households shall receive [an identification (ID)] a *payment access* card, as prescribed by the department, issued in the name of the household member who is authorized to receive the household's [food stamp] *SNAP* allotment.

Text of proposed rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., Office of Temporary and Disability Assistance, 40 North Pearl Street, 16-C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.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:

Social Services Law (SSL) § 17(a)-(b) and (k) provide, in part, that the Commissioner of the Office of Temporary and Disability Assistance (OTDA) shall “determine the policies and principles upon which public assistance [PA], services and care shall be provided within the state both by the state itself and by the local governmental units ...”, shall “make known his policies and principles to local social services officials and to public and private institutions and welfare agencies subject to his regulatory and advisory powers...”, and shall “exercise such other powers and perform such other duties as may be imposed by law.”

SSL § 20(3)(d) authorizes OTDA to promulgate regulations to carry out its powers and duties.

SSL § 34(3)(f) requires the Commissioner of OTDA to establish regulations for the administration of PA and care within the State.

SSL § 95 authorizes OTDA to administer the Supplemental Nutrition Assistance Program (SNAP), formerly named the “Food Stamp Program,” in New York State and to perform such functions as may be appropriate, permitted, or required by or pursuant to federal law.

SSL § 131(1) requires social services districts (districts), insofar as funds are available, to provide adequately for those unable to maintain themselves, in accordance with the provisions of the SSL.

SSL § 131(9) previously required that “[upon] determining that a person is eligible for any form or category of public assistance, the social services official shall issue to any such person to whom payment is to be made, an appropriate identification card, with a photograph affixed, in a form approved by the department ...”. Effective July 1, 2020, Part V of Chapter 56 of the Laws of 2020 amended SSL § 131(9) to repeal the reference to a photographic identification card and to require that districts issue to PA recipients “an appropriate payment access card, in a form approved by [OTDA], which shall be used as [OTDA], by regulation, may prescribe for improved administration.”

2. Legislative objectives:

It was the intent of the Legislature in enacting the above statutes that OTDA establish rules, regulations and policies to approve the form of payment access cards for PA and the Supplemental Nutrition Assistance Program (SNAP) and improve the administration of same as needed.

3. Needs and benefits:

The proposed regulatory amendments would implement Part V of Chapter 56 of the Laws of 2020 by updating 18 NYCRR Part 383 to eliminate the requirement that districts provide a photo identification card to PA recipients. The proposed regulatory amendments would also update existing 18 NYCRR §§ 387.2(y)(1), 387.4, and 387.17(c) by replacing obsolete references to “identification card” with “payment access card” and deleting the provision requiring the presentation of the identification card as a condition for the delivery or cashing of a PA check in accordance with Part V of Chapter 56 of the Laws of 2020, which became effective on July 1, 2020. The proposed regulatory amendments would eliminate the stigma of photo identification cards for PA recipients and enable recipients of PA, SNAP, and medical assistance (MA) to obtain free non-driver identification cards (NDIDs). The required photo identification card is unnecessary, stigmatizing to recipients, and a burden to the districts. This requirement was instituted when identification cards were used by recipients in banking transactions, primarily cashing monthly PA checks. However, the universal use of the Common Benefit Identification Card

(CBIC) as the vehicle for access to monthly PA benefits through Electronic Benefit Transactions (EBT) renders the need for most bank transactions and therefore a photo identification card obsolete.

Instead of requiring all PA recipients to obtain a photo identification card, regardless of their need for one, the proposed regulatory amendments would add a new Part 384 of Title 18 of the NYCRR to reflect Part V of Chapter 56 of the Laws of 2020 allowing individuals in receipt of PA, SNAP or MA upon request to obtain free NDIDs with their photographs affixed from the Department of Motor Vehicles (DMV) pursuant to Vehicle and Traffic Law § 490(3)(a)(iii). This form of identification is widely recognized and non-stigmatizing. In accordance with Part V of Chapter 56 of the Laws of 2020, districts would continue to issue payment access (CBIC) cards.

4. Costs:

Upon elimination of the photo requirement on July 1, 2020 as mandated by Part V of Chapter 56 of the Laws of 2020, OTDA anticipates that savings will inure to both the State and districts of approximately \$2.2 million in FY 2020-21 (\$1.2 million State/\$1 million local), annualizing to \$4.5 million in FY 2021-22 (\$2.5 million State/\$2 million local). There may be increased administrative costs to DMV related to processing NDIDs for PA, SNAP and MA recipients; however, these costs are expected to be minimal and could be absorbed within existing resources.

5. Local government mandates:

The proposed regulatory amendments would not impose any programs, services, duties or responsibilities upon districts. SSL § 131(9) previously required districts to issue identification cards, with photographs affixed, to PA recipients. The proposed regulatory amendments would merely replace references to “photographic identification cards” currently contained in the State regulations with references to “payment access cards” in accordance with Part V of Chapter 56 of the Laws of 2020, which became effective on July 1, 2020.

6. Paperwork:

The proposed regulatory amendments would not impose any new reporting requirements or other paperwork upon the State or the districts. Districts would continue to issue payment access (CBIC) cards.

7. Duplication:

The proposed regulatory amendments would not duplicate, overlap, or conflict with any existing federal or State law or regulation.

8. Alternatives:

An alternative to the proposed regulatory amendments would be to refrain from adopting them. However, if the proposed regulatory amendments are not adopted, there will be a resulting inconsistencies between existing 18 NYCRR Part 383 and § 387.2(y)(1), 387.4, and 387.17(c) on the one hand and SSL § 131(9) – which was amended pursuant to Part V of Chapter 56 of the Laws of 2020 effective on July 1, 2020 – on the other. Consequently, OTDA does not consider such inaction to represent a viable alternative to the proposed regulatory amendments.

9. Federal standards:

The proposed regulatory amendments would not conflict with any federal standard.

10. Compliance schedule:

OTDA anticipates that districts would be in compliance with the proposed regulatory amendments upon the effective date of the proposed regulatory amendments.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not required for the proposed regulatory amendments because the proposed regulatory amendments to 18 NYCRR Part 383, addition of new Part 384 of Title 18 of the NYCRR, and amendments to 18 NYCRR §§ 387.2(y)(1), 387.4, and 387.17(c) would neither have an adverse economic impact upon, nor impose reporting, recordkeeping, or other compliance requirements upon small businesses or social services districts (districts). The proposed regulatory amendments are clarifying in nature, and would align State regulations pertaining to payment access cards for public assistance with Part V of Chapter 56 of the Laws of 2020, which became effective on July 1, 2020. As it is evident from the nature of the proposed regulatory amendments that they would not have an adverse impact upon or impose reporting, recordkeeping, or other compliance requirements upon small businesses or districts, no further measures were needed to ascertain those facts and, consequently, none were taken.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not required for the proposed regulatory amendments to 18 NYCRR Part 383, addition of new Part 384 of Title 18 of the NYCRR, and amendments to 18 NYCRR §§ 387.2(y)(1), 387.4, and 387.17(c) because the proposed regulatory amendments would neither have an adverse impact upon, nor impose reporting, recordkeeping, or other compliance requirements upon rural social services districts (rural districts) or private entities in rural areas. The proposed regulatory

amendments pertaining to payment access cards for public assistance are clarifying in nature and would align State regulations with Part V of Chapter 56 of the Laws of 2020, which became effective on July 1, 2020. As it is evident that the proposed regulatory amendments would not have an adverse impact upon or impose reporting, recordkeeping, or other compliance requirements upon rural districts or private entities in rural areas, no further measures were needed to ascertain those facts and, consequently, none were taken.

Job Impact Statement

A Job Impact Statement is not required for the proposed regulatory amendments. The proposed regulatory amendments to 18 NYCRR Part 383, addition of new Part 384 of Title 18 of the NYCRR, and amendments to 18 NYCRR §§ 387.2(y)(1), 387.4, and 387.17(c) are clarifying in nature and would update State regulations pertaining to payment access cards for public assistance to align with Part V of Chapter 56 of the Laws of 2020, which became effective on July 1, 2020. It is apparent from the nature and purpose of the proposed regulatory amendments that they would not have a substantial adverse impact on jobs and employment opportunities in the public and private sectors of the State. The proposed regulatory amendments would not substantively affect the jobs of employees at the State or social service district (district) level. Adoption of the proposed regulatory amendments would not impose any new annual costs or administrative burdens upon the districts.

Thoroughbred Breeding and Development Fund

NOTICE OF ADOPTION

Residency Requirement for Dam of New York Bred Foal

I.D. No. TBD-34-20-00008-A

Filing No. 714

Filing Date: 2020-11-03

Effective Date: 2020-11-18

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

Action taken: Amendment of sections 4081.1, 4081.2 and 4081.3 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 252(1), 253(6) and 254(2)

Subject: Residency requirement for dam of New York bred foal.

Purpose: To enable the Fund to improve agriculture and Thoroughbred horse breeding in New York.

Text or summary was published in the August 26, 2020 issue of the Register, I.D. No. TBD-34-20-00008-P.

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

Text of rule and any required statements and analyses may be obtained from: Tracy Egan, Thoroughbred Breeding and Development Fund, One Broadway Center, 1st floor, Schenectady, NY 12305, (518) 388-0174, email: tegan@nybreeds.com

Initial Review of Rule

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

Assessment of Public Comment

The New York Thoroughbred Breeding and Development Fund (Fund) received public comments in support of and opposed to the proposed rule change. The comments in support of the rule change included the following:

Two brief general statements were received in favor by representatives from farms.

A veterinarian and owner outlined the benefits of the new rules, namely New York boarding farms increasing income by boarding pregnant mares and the benefit to the health of foals of mares being transported when the foals are older. The comment also noted that this individual believes that there should not be a minimum price for broodmares to be considered a New York resident when being brought into the State after purchase at auction.

The executive director of the New York thoroughbred breeders' organization and two representatives of breeding farms commented on the necessity of New York restocking its resident mare population by removing artificial barriers to bringing mares into the State, in turn continuing a supply of horses for State-bred races. These comments stated that allowing breeders to purchase mares at public auction and include the foals as New York-breds so long as certain qualifications are met would ensure these mares and their breeders have proper investment in the New York breeding and racing program. The commentator believe that this proposal will benefit racing and New York agribusiness and employment opportunities therein.

A veterinarian, breeder/participant and board member of the New York thoroughbred breeders' organization commented in favor of removing barriers to entry into the New York state-bred program, noting support for the minimum broodmare price to ensure quality with a suggestion to revisit this requirement in the future to consider adjusting the amount upward.

The New York Racing Association (NYRA) commented in favor of the rule change, noting the expansion of the population of thoroughbred mares and subsequent foals in New York stemming from allowing the foals of broodmares purchased at public auction to be included as New York-breds so long as certain qualifications are met. The statement further noted the necessity of the change to compete with neighboring states and to support the State's agricultural industry as well as assisting NYRA in its best efforts to run 600 New York-bred races each year.

A representative of a breeding farm noted that the change is necessary to allow New York to remain competitive in the commercial marketplace, stating specific support for the mares from public auction having eligible foals if certain conditions are met, allowing mares to be out of state longer so that foals are older before the mare returns to New York, allowing the calculation of the time period a mare must stay in the State to begin on arrival, and support of the stallion population.

The comments opposed to the rule change included the following:

A veterinarian stated that while the quality of horses would increase, the stallion population would decrease with the rule change. The comment further noted that the minimum price limitation on broodmares would discriminate against small breeders. This commentator believes that the key is finding consumers interested in coming to New York to race where a number of the horses he has sold have gone out of State.

A representative from a breeding farm stated that the rule change provides no benefit for smaller New York breeders who breed and raise their horses in New York who then have to compete against high-priced out-of-state sires' progeny. This commentator believes the changes are designed for the wealthy investors breeding to out-of-state sires and the big boarding farms. The commentator states that there should be an incentive or reward for New York farms and breeders, something to provide more opportunities for New York-sired horses or those who have lived their whole lives in New York or to allow an opportunity to capitalize on the mission to keep green space. The commentator suggests a weight allowance, a new or different condition or a greater percentage of the purse as examples of incentives.

A comment was received against the broodmare minimum-price limitation and increase in out-of-state days permitted, noting that the commentator does not believe these changes promote the Fund's mission. The commentator notes that the threshold for broodmares purchased at auction should not be their purchase price, but rather their "page." The commentator believes that expanding the New York breeder base will encourage individuals who want to minimize risk and need financial incentive. The commentator believes a better way to support the Fund's mission is increased communication regarding the advantages of purchasing a New York-bred horse and regarding advantages of racing in New York and eliminating the breed-back provision or providing an opt-out policy that is more advantageous to all stakeholders.

A comment from a breeding farm representative stated that the \$50,000 minimum purchase price is a poor indicator of mare quality, giving multiple anecdotes as examples. The commentator believes that the minimum purchase price for broodmares will discourage people from entering the industry and that New York stallions are unlikely to achieve levels of commercial viability for their foals as compared to Kentucky sires and further speaks out against the breed-back policy as a whole. The commentator believes that the rule changes do not address the problem of lack of New York-bred horses to fill races.

These comments were analyzed and considered by the Fund's Board members as follows:

Small Breeder Concerns and Mare and New Foal Crop Declines: Several Board members noted that a few of the comments in opposition to the proposed rule claimed that the rule, if adopted, would make it more difficult for the smaller breeders in New York to compete. It was noted, however, that the rule would not materially change any of the existing rules or requirements for breeding New York-breds; rather, it would simply provide for greater flexibility to incentivize certain high quality mares into

New York that otherwise would not enter into the State for breeding. Small breeders would still have the same opportunities to breed New York-breds as they currently do under the existing rules. It was noted repeatedly that New York is facing a significant and ongoing decline in its mare and new foal populations and that this rule change is designed to address those concerns. It was noted that the NY foal crop has declined in recent years and it is anticipated that there will be another decline in 2021. Fewer mares would mean fewer boarders at New York farms and a decline in associated agribusiness such as hay and grain purchase.

It was also noted that the \$50,000 price point for the public auction mare was determined after canvassing both breeders and stallion owners to understand the level at which encouraging non-resident mares into the State will positively affect the mare and new foal numbers without adversely affecting the stallion industry. Several Board members noted that the new rule, if adopted, would provide flexibility in determining the proper price point of public auction mares to achieve the objectives of the industry.

Impact on Stallion Industry: Several commentators stated that the new rule, if adopted, would adversely impact the stallion industry, noting that it would likely lead to a decrease in the New York stallion population and a perception that the quality of stallions in New York will decline. These comments were considered and it was noted by one Board member that New York breeders need to support New York stallions in order for the stallion industry to thrive. However, that same Board member, who is a stallion owner, stated that he has canvassed many of the stallion owners in New York and that they support the new rule as it will likely lead to higher quality mares into the State. He noted, however, that if the price point drops below the current figure, that would not be beneficial to the stallion industry in New York.

Desirability of New York stallion offspring: An additional benefit of the new rule, if adopted, would be that one year after the adoption of the rule, the Fund and NYRA have agreed to spend up to \$650,000 annually to provide a \$5,000 purse bonus to the owners of New York-sired New York-breds at NYRA tracks. It is hoped that the owner bonus will add to the attraction of owning a New York-sired racehorse.

Significant Alternatives Suggested: While the Fund received four comments in opposition to the new rule, none of those comments contained any significant alternatives for the Board's consideration. One commentator suggested that instead of adopting this new rule, the Fund should consider various ways to provide better incentives or rewards for New York farms and breeders or to enhance purses for New York bred races. The Board considered all of the public comments made by the commentators, including the comments made in support and in opposition to the measure, and determined that there was no basis to consider any alternatives to the rule as drafted.

As a result, no changes to the proposed language were made.

**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
PSC-45-20-00004-P	Major Gas Rate Filing	Department of Public Service, 19 Fl. Board Rm., 3 Empire State Plaza, Albany, NY—February 16, 2021, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-E-0429
PSC-45-20-00005-P	Major Electric Rate Filing	Department of Public Service, 19 Fl. Board Rm., 3 Empire State Plaza, Albany, NY—February 16, 2021, 10:30 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-E-0428
PSC-46-20-00005-P	Recommendations of the DPS Staff Report to Improve Hudson Valley Water’s Service	The Public Hearing will be held online and by telephone. Details for access will be published via Notice at the DPS website (www.dps.ny.gov) under Case 20-W-0477—January 19, 2021, 4:00 p.m.* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 20-W-0477
State, Department of		
DOS-37-20-00016-P	Siting Permits for Major Renewable Energy Facilities	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 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.

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.

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.

*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
-----------------	---------	----------------	-------------------

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.
-------------------	----------------	--	---

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
-------------------	----------------	---	--

CHILDREN AND FAMILY SERVICES, OFFICE OF

CFS-46-19-00002-RP 03/03/21	Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms	To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation
--------------------	----------------	--	--

CFS-04-20-00009-P 01/28/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
-------------------	----------------	-------------------	--

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
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
CFS-46-20-00001-P	11/18/21	Amendment to community guardian program regarding who can complete the annual evaluation or examination	Amendment to community guardian program regarding who can complete the annual evaluation or examination
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
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

Action Pending Index

NYS Register/November 18, 2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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

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
---------------------	----------	-----------------------	--

Action Pending Index**NYS Register/November 18, 2020**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-34-20-00001-P	08/26/21	Family Reunion Program	To clarify for logic and consistency, and make additional changes to the current Family Reunion Program
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	Intake for Article 7 (PINS)	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
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

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

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.
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.

Action Pending Index

NYS Register/November 18, 2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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-17-20-00007-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 Surprise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-36-20-00007-P	09/09/21	Superintendent's Regulations: Information Subject to Confidential Treatment	Provide rules concerning publication or disclosure of information subject to confidential treatment
DFS-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
DFS-45-20-00007-P	11/10/21	Office of Pharmacy Benefits	To establish the Office of Pharmacy Benefits and rules for the Drug Accountability Board

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
-------------------	----------	--	---

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
SGC-34-20-00009-P	08/26/21	Qualification time in harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-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 safetyThoroughbred 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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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-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-27-20-00006-P	07/08/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals
HLT-28-20-00019-P	07/15/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP
HLT-31-20-00012-EP	exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
HLT-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-45-20-00002-P	11/10/21	Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
*HCR-21-19-00019-P	02/01/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation o flow-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
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-28-20-00031-RP	07/15/21	Source of funding reporting	Clarifying amendments to Source of Funding reporting
JPE-28-20-00032-RP	07/15/21	Amendments to the lobbying regulations	To clarify the lobbying regulations that implement the provisions of the Lobbying Act
LABOR, DEPARTMENT OF			
LAB-46-19-00004-P	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
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

Action Pending Index

NYS Register/November 18, 2020

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

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

Action Pending Index

NYS Register/November 18, 2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-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-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
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff’s electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff’s electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company’s request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants’ request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.’s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking’s request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison’s Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison’s Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-01-19-00004-P	..... exempt	Advanced Metering Infrastructure.	To determine whether Niagara Mohawk Power Corporation d/b/a National Grid should implement advanced metering infrastructure.
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-19-19-00014-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 124 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 124 MW electric generating facility.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-20-19-00015-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 105.8 MW electric generating facility	Consideration of a lightened regulatory regime for an approximately 105.8 MW electric generating facility
*PSC-31-19-00013-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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 of street lighting facilities and the proper accounting for the transaction.
PSC-32-20-00017-P	..... exempt	Transfer of street light facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-33-20-00003-P	..... exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction
PSC-33-20-00004-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-40-20-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-40-20-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioner should be permitted to offer green gas and home warranty products to mass market customers.
PSC-40-20-00008-P	..... exempt	A benefit for electric utility customers in communities that host a major renewable energy facility.	To consider a just and reasonable benefit for electric utility customers in renewable host communities.
PSC-40-20-00009-P	..... exempt	Amendments clarifying the sharing of revenue from the Energy Storage Program.	To ensure that Con Edison's tariff is clear regarding sharing of revenue when annual wholesale revenues exceed contract costs.
PSC-40-20-00010-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioner should be permitted to offer green gas and home warranty products to mass market customers.
PSC-41-20-00010-P	..... exempt	Disposition of a \$50 million municipal tax refund	To consider a disposition of a municipal tax refund for customer and company benefit
PSC-41-20-00011-P	..... exempt	Major gas rate filing.	To consider a proposed increase in Corning'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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-44-20-00007-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 90.5 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 90.5 MW electric generating facility.
PSC-44-20-00008-P	..... exempt	Lease of right-of-way and transfer of facilities.	To determine whether to authorize lease of right-of-way, transfer of facilities and the proper accounting treatment.
PSC-44-20-00009-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-44-20-00010-P	..... exempt	Transfer of natural gas pipeline facilities and ownership interests in those facilities, and an applicable regulatory regime.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfers and the facility owners.
PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-45-20-00004-P	..... exempt	Major gas rate filing	To consider an increase in Central Hudson's gas delivery revenues
PSC-45-20-00005-P	..... exempt	Major electric rate filing	To consider an increase in Central Hudson's electric delivery revenues
PSC-45-20-00006-P	..... exempt	Petition to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-46-20-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service.	To determine if approving the DPS Staff's recommendations is in the public interest.
PSC-46-20-00006-P	..... exempt	Amendments to the SIR.	To more effectively interconnect distributed generation and energy storage Systems 5 MW or less to the distribution system.
PSC-46-20-00007-P	..... exempt	Compliance of New York Transco LLC with the applicable portions of the Electric Safety Standards.	To consider the petition of New York Transco LLC for clarification of its responsibilities under the Electric Safety Standards.
PSC-46-20-00008-P	..... exempt	Compliance report by electric utilities on developing distribution and local transmission in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the the State's climate goals.
PSC-46-20-00009-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
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

Action Pending Index**NYS Register/November 18, 2020**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE, DEPARTMENT OF			
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 SIRT OA.	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-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
TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-16-20-00012-P	04/22/21	New York State Combined Application Project (NYSCAP)	To implement the NYSCAP, a new combined application project for recipients of Supplemental Security Income benefits, who have been designated as Live-Alone by the Social Security Administration and the State-funded SSI State Supplement Program
TDA-26-20-00007-P	07/01/21	Supplemental Security Income (SSI) Additional State Payments	To clarify who participates, the intended uses for benefits, that benefits won't be issued once a death is verified, time frames to report and circumstances when underpayment/retroactive benefits will issue, and NYS operates SSP under State rules
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-46-20-00002-P	11/18/21	Payment access cards	To update State regulations pertaining to payment access cards to align with Part V of Chapter 56 of the Laws of 2020
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

REPLACE ROOFING

Attica Correctional Facility
Attica, Wyoming County

Sealed bids for Project No. M3113-C, comprising of a contract for Construction Work, Replace Roofing, Building 132, Attica Correctional Facility, 639 Exchange Street Rd, Attica (Wyoming County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, December 2nd, 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 \$29,400 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000. for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John 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 188 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. Lewykyj, Deputy Director*
OGS - Design & Construction Group

PROVIDE

WEDGEWIRE SCREEN/PUMP STATION UPGRADES

Riverfront Pumping Station
Albany, Albany County

Sealed bids for Project Nos. 45877-C and 45877-E, comprising separate contracts for Construction Work and Electrical Work, Provide Wedgewire Screen & Pump Station Upgrades, Riverfront Pumping Station, Empire State Plaza, Albany (Albany County), NY, will be

received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, December 2nd, 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 \$254,800 for C and \$18,100 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 \$10,000,000 and \$15,000,000 for C and 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 Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is July 1, 2023.

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 only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be on November 10th, 2020 at either 9:00 a.m., 11:00 a.m. or 2:00 p.m. at Empire State Plaza Riverfront Pump Station, Quay Street, Albany NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Michael McLaughlin (518-408-1457) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to

promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 2% for MWBE participation, 1% for Minority-Owned Business Enterprises ("MBE") participation and 1% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

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

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

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

**RECOVER
ROOF**
Mid-Hudson Psychiatric Center
New Hampton, Orange County

Sealed bids for Project No. 45945-C, comprising a contract for Construction Work, Recover Roof, Building 45, Mid-Hudson PC, 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, December 2, 2020, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$21,700 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 \$250,000 and \$500,000 for C.

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

statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are 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 170 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. Lewykyj, Deputy Director*
OGS - Design & Construction Group

**REPLACE
ROOF**

Mid-Hudson Psychiatric Center
New Hampton, Orange County

Sealed bids for Project No. 45946-C, comprising a contract for Construction Work, Replace Roof, Building 10, 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, December 2, 2020 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$12,700 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 \$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 163 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 10% for MWBE participation, 5% for Minority-Owned Business Enterprises (“MBE”) participation and 5% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

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

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

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

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

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

**REHABILITATE
BUILDING ENVELOPE**
New York City Children’s Center - Queens Campus
Bellerose, Queens County

Sealed bids for Project No. 46025-C, comprising a contract for Construction Work, Rehabilitate Building Envelope, Building 55, New York City Children’s Center - Queens Campus, 7403 Commonwealth Blvd, Bellerose (Queens 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, December 2nd, 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 \$75,000 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 \$2,000,000 and \$3,000,000 for C.

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

Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 616 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.

X 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. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Housing Trust Fund Corporation
Office of Community Renewal
38-40 State St., 4th Fl. S
Albany, NY 12207

UNITS OF LOCAL GOVERNMENT AND ORGANIZATIONS
INCORPORATED UNDER THE NEW YORK STATE NOT-FOR-
PROFIT CORPORATION LAW

**Access to Home Program; Access to Home for Heroes (Veterans);
Access to Home for Medicaid Recipients Program; RESTORE
Program, Mobile & Manufactured Home Replacement Program**

The Housing Trust Fund Corporation (HTFC) announces the avail-
ability of up to \$9 million of State funds for the following programs:

- \$1 million - Access to Home Program
- \$2 million - Access to Home for Heroes (Veterans)
- \$1.5 million - Access to Home for Medicaid Recipients Program
- \$1.3 million - RESTORE Program
- \$3.3 million - Mobile & Manufactured Home Replacement Program

APPLICATION FOR FUNDING

The detailed Request for Applications (RFA) and online application
will be available on the NYS Homes and Community Renewal
website, [https://hcr.ny.gov/office-community-renewal-state-housing-
resources-funding-opportunities](https://hcr.ny.gov/office-community-renewal-state-housing-resources-funding-opportunities) on Wednesday, November 18, 2020.
Applications will be due no later than 4:00 pm on Friday, January 15,
2021. Applications must be submitted using the Community Develop-
ment Online Application System (CDOL) available at: [https://
apps.hcr.ny.gov/SingleSignon/
?ReturnUrl=%2fcdonline%2fmenu.aspx](https://apps.hcr.ny.gov/SingleSignon/?ReturnUrl=%2fcdonline%2fmenu.aspx)

The above-stated application deadline is firm as to date and hour. In
the interest of fairness to all competing applicants, applications
received after the specified date and time will be deemed ineligible
and will not be considered for funding. Early submission of applica-
tions is recommended to avoid risks of ineligibility resulting from
unanticipated delays.

ACCESS TO HOME PROGRAM

PROGRAM DESCRIPTION

The NYS Access to Home program provides financial assistance to
make residential units accessible for low- and moderate-income
persons with disabilities. Assistance with the cost of adapting homes
will enable individuals to safely and comfortably continue to, or return
to, live in their residences instead of residing in an institutional setting.

ELIGIBLE APPLICANTS

Eligible applicants for the Access to Home program are units of local
government and organizations incorporated under the New York
State Not-For-Profit Corporation Law, that have been providing relevant
service to the community for at least one year prior to application.

ELIGIBLE ACTIVITIES

Grant funds may be used to assist homeowners to complete acces-
sibility modifications to adapt or retrofit homes for persons with
disabilities. Rehabilitation activities reimbursable by grant funds may
only include accessibility modifications designed to address the needs
of the person with disabilities or substantial difficulty with daily living
activity due to aging. Examples include wheelchair ramps and lifts,
handrails, doorway widening, and roll-in showers. Review the Access

to Home Program Manual for more information related to eligible
activities: <https://hcr.ny.gov/access-home#program-manual>.

FUNDING LIMITS

- The minimum request amount is \$75,000. The maximum request
amount is \$150,000.
- A maximum of \$25,000 per unit is allowable. This cap is inclusive
of both hard costs for accessibility modifications, soft costs and proj-
ect delivery fees.
- Applicants may budget up to 7.5 percent of the request amount for
eligible administrative costs.
- Applicants may budget up to 5 percent of project costs for eligible
soft costs and project delivery costs.

ACCESS TO HOME FOR HEROES PROGRAM

PROGRAM DESCRIPTION

The Access to Home for Heroes (formerly known as Access to
Home for Veterans) program provides financial assistance to make
dwelling units accessible for low- and moderate-income veterans liv-
ing with a disability. Assistance with the cost of adapting homes to
meet the needs of those with disabilities will enable veterans to safely
and comfortably live in their residences instead of residing in an
institutional setting.

ELIGIBLE APPLICANTS

Eligible applicants for the Access to Home for Heroes program are
units of local government and organizations incorporated under the
New York State Not-For-Profit Corporation Law, that have been
providing relevant service to the community for at least one year prior
to application.

ELIGIBLE ACTIVITIES

Grant funds may be used to assist homeowners to complete acces-
sibility modifications to adapt or retrofit homes for Veterans with
disabilities. Examples include wheelchair ramps and lifts, handrails,
doorway widening, and roll-in showers. Review the Access to Home
Program Manual for more information related to eligible activities:
<https://hcr.ny.gov/access-home#program-manual>.

FUNDING LIMITS

- The minimum request amount is \$75,000. The maximum request
amount is \$200,000.
- A maximum of \$25,000 per unit is allowable. This cap is inclusive
of both hard costs for accessibility modifications, soft costs and proj-
ect delivery fees.
- Applicants may budget up to 7.5 percent of the request amount for
eligible administrative costs.
- Applicants may budget up to 5 percent of project costs for eligible
soft costs and project delivery costs.

ACCESS TO HOME FOR MEDICAID RECIPIENTS PROGRAM

PROGRAM DESCRIPTION

The Access to Home for Medicaid Recipients program was devel-
oped in partnership with the New York State Department of Health
(DOH). This program provides financial assistance to make dwelling
units accessible for low- and moderate-income persons receiving
Medicaid and living with a disability. Assistance with the cost of
adapting homes to meet the needs of those with disabilities will enable
individuals to safely and comfortably live in their residences instead
of residing in an institutional setting. The Access to Home for
Medicaid program has a secondary long-term goal of lowering health
care costs.

ELIGIBLE APPLICANTS

Eligible applicants for the Access to Home for Medicaid Recipients program are units of local government and organizations incorporated under the New York State Not-For-Profit Corporation Law, that have substantial experience in adapting or retrofitting homes for persons with disabilities.

ELIGIBLE ACTIVITIES

Grant funds may be used to assist homeowners to complete accessibility modifications to adapt or retrofit homes for persons with disabilities that are Medicaid recipients. Rehabilitation activities reimbursable by grant funds may only include accessibility modifications designed to address the needs of the person with disabilities or substantial difficulty with daily living activity due to aging. Examples include wheelchair ramps and lifts, handrails, doorway widening, and roll-in showers. Review the Access to Home Program Manual for more information related to eligible activities: <https://hcr.ny.gov/access-home#program-manual>.

FUNDING LIMITS

- The minimum request amount is \$75,000. The maximum request amount is \$150,000.
- A maximum of \$25,000 per unit is allowable. This cap is inclusive of both hard costs for accessibility modifications, soft costs and project delivery fees.
- Applicants may budget up to 7.5 percent of the request amount for eligible administrative costs.
- Applicants may budget up to 5 percent of project costs for eligible soft costs and project delivery costs.

MOBILE & MANUFACTURED HOME REPLACEMENT PROGRAM**PROGRAM DESCRIPTION**

The New York State funded Mobile and Manufactured Home Replacement program was developed to assist low- and moderate-income homeowners to replace dilapidated mobile or manufactured homes that are sited on land owned by the homeowner with a new manufactured, modular or site-built home.

ELIGIBLE APPLICANTS

Eligible applicants for the New York State funded Mobile and Manufactured Home Replacement program are units of local government and not-for-profit corporations with substantial experience in affordable housing.

ELIGIBLE ACTIVITIES

Costs related to the replacement of dilapidated mobile or manufactured homes will be eligible for grant reimbursement. These costs include, but are not limited to:

- Demolition, removal, disposal of the dilapidated units;
- Purchase of new replacement manufactured units and site preparation;
- Construction of replacement housing units;
- Temporary relocation assistance;
- Permitting, environmental review, and testing.

FUNDING LIMITS

- The minimum request amount is \$200,000. The maximum request amount is \$500,000.
- A maximum of \$100,000 per property is allowable. This cap is inclusive of both hard and soft costs for the replacement of a mobile or manufactured home.
- Applicants may budget up to 7.5 percent of the request amount for eligible administrative costs.
- Applicants may budget up to 10 percent of project costs for eligible soft costs and project delivery costs.

RESTORE PROGRAM**PROGRAM DESCRIPTION**

The Residential Emergency Services to Offer (Home) Repairs to the Elderly (RESTORE) program provides financial resources to assist senior citizen homeowners with the cost of addressing emergencies and code violations that pose a threat to their health and safety or

affect the livability of their home. Assistance for the cost of these critical repairs will enable seniors to continue to live independently in their homes.

ELIGIBLE APPLICANTS

Eligible applicants for the RESTORE program are units of local government and not-for-profit corporations that have been providing relevant service to the community for at least one year prior to application.

ELIGIBLE ACTIVITIES

Grant funds may be used to assist homeowners to complete emergency repairs. An eligible emergency repair eliminates a hazardous condition or deficiency that poses an immediate threat to the life, health or safety or the elderly homeowner. Review the RESTORE Program Manual for more information related to eligible activities: <https://hcr.ny.gov/restore-program#program-manual>.

FUNDING LIMITS

- The minimum request amount is \$75,000. The maximum request amount is \$150,000.
- A maximum of \$10,000 per building is allowable. This cap is inclusive of both hard costs for accessibility modifications, soft costs and project delivery fees.
- Applicants may budget up to 7.5 percent of the request amount for eligible administrative costs.
- Applicants may budget up to 5 percent of project costs for eligible soft costs and project delivery costs.

GENERAL REQUIREMENTS

The OCR reserves the right to reject any and all proposals, to negotiate with applicants, recommend funding in an amount less than requested, conduct site visits, interview the applicant and development team, extend the submission deadline, and request additional information. The OCR reserves the right to waive or modify any requirement contained in the Request for Proposals and applications received subject to the applicable statutes and the Program Regulations.

MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES (M/WBE) COMPLIANCE

Recipients of awards are subject to Article 15A and 17-B of the New York State Executive Law. These requirements include equal employment opportunities for minority group members and women ("EEO") and contracting opportunities for certified minority and women-owned business enterprises ("MWBES") and Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Recipient's demonstration of "good faith efforts" pursuant to 5 NYCRR § 142.8 shall be a part of these requirements.

CONTACT INFORMATION

For inquiries or technical assistance regarding these programs please contact: Home and Community Renewal, Office of Community Renewal at the above address or call (518) 474-2057.

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

Rensselaer County Deferred Compensation Plan

The Rensselaer County (NY) Public Employees Deferred Compensation Board is soliciting proposals from qualified providers for investment services, record keeping and other plan services. The Plan has approximately 1,035 participants with assets in excess of \$43 Million. Proposed services and products must meet the requirements of Section 457 of the Internal Revenue Code and the New York State Model Plan, as amended April 25, 2012. Responses are due no later than 4:00 p.m. Eastern Time on Friday, December 18, 2020. To obtain a copy of the Request for Proposal, please visit the County's website at www.rensco.com. The RFP will be available on the website beginning November 23, 2020.

PUBLIC NOTICE

Department of State
F-2020-0334

Date of Issuance – November 18, 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-2020-0334 Cathryn Thomas proposes to install a sloped rock revetment along 50 linear feet of shoreline. Two-ton armor stone to be used a keystone and placed in an excavated trench with 500lb to 3,000lb rock being used above and landward. All rock to be placed on geo-textile filter cloth.

The proposed work is for the applicant's property at 5601 Centenary Shores in the Town of Sodus, Wayne County.

The applicant's consistency certification and supporting informa-

tion are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0334ForPN.pdf>

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

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

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

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

PUBLIC NOTICE

Department of State
F-2020-0506

Date of Issuance – November 18, 2020

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0510.pdf>

In F-2020-0506, or the "Bay Park Conveyance Project", the applicant – Nassau County DPW – proposes the construction of a force main using micro tunneling technology between Bay Park Sewage Treatment Plan (STP) and Sunrise Highway where it crosses under the Mill River, and construction of a force main using micro tunneling technology between the Cedar Creek Water Pollution Control Plant (WPCP) where it crosses under Mill Pond between Cedar Creek Shafts 5 and 6. In addition, the proposed activities involve staging areas and shaft construction within the New York State Department of Environmental Conservation (NYSDEC) tidal wetland adjacent area at Bay Park Shafts 4 and 5 and Cedar Creek Shaft 1. These activities will facilitate the diversion of treated water from the Bay Park STP to the Cedar Creek WPCP ocean outfall in order to improve the resilience of the southern shore of Long Island to flooding and coastal storm surge. The construction shafts will be excavated, support of excavation installed that will minimize groundwater infiltration and dewatering, and the force main drilled between shafts.

The purpose of the proposed project is to reduce damage from flooding and coastal storm surge through effective floodplain management and saltmarsh health through improved water quality. The proposed project is needed to improve the resiliency of the southern shore of Long Island and to meet compliance with New York State

permits and to meet the terms of the 2017 Bay Park Agreement between NYSDEC and Nassau County. The applicant is undertaking the proposed project as part of the Western Bays Resiliency Initiative. The project locations are in the Town of Hempstead and the Villages of East Rockaway, Rockville Centre, and Freeport, Nassau County, Mill River and Mill Pond.

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

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

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

PUBLIC NOTICE

Department of State
F-2020-0510

Date of Issuance – November 18, 2020

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0510.pdf>

In F-2020-0510, or the "Bay Park Conveyance Project", the applicant – Nassau County DPW – proposes the construction of a force main using micro tunneling technology between Bay Park Sewage Treatment Plant (STP) and Sunrise Highway where it crosses under the Mill River, and construction of a force main using micro tunneling technology between the Cedar Creek Water Pollution Control Plant (WPCP) where it crosses under Mill Pond between Cedar Creek Shafts 5 and 6. In addition, the proposed activities involve staging areas and shaft construction within the New York State Department of Environmental Conservation (NYSDEC) tidal wetland adjacent area at Bay Park Shafts 4 and 5 and Cedar Creek Shaft 1. These activities will facilitate the diversion of treated water from the Bay Park STP to the Cedar Creek WPCP ocean outfall in order to improve the resilience of the southern shore of Long Island to flooding and coastal storm surge. The construction shafts will be excavated, support of excavation installed that will minimize groundwater infiltration and dewatering, and the force main drilled between shafts.

The purpose of the proposed project is to reduce damage from flooding and coastal storm surge through effective floodplain management and saltmarsh health through improved water quality. The proposed project is needed to improve the resiliency of the southern shore of Long Island and to meet compliance with New York State permits and to meet the terms of the 2017 Bay Park Agreement between NYSDEC and Nassau County. The applicant is undertaking the proposed project as part of the Western Bays Resiliency Initiative. The project locations are in the Town of Hempstead and the Villages of East Rockaway, Rockville Centre, and Freeport, Nassau County, Mill River and Mill Pond.

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

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

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

PUBLIC NOTICE

Department of State
F-2020-0514

Date of Issuance – November 18, 2020

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0514.pdf>

In F-2020-0514, or the "Ohio Street Boat Launch and Regatta Overlook", the applicant – Buffalo Niagara Waterkeeper – proposes a car-top and paddle craft boat launch, new vehicular and pedestrian traffic pattern to allow for more efficient hand launching, improvements to parking area pavements and pathways to allow for universal access, Americans with Disabilities Act (ADA) accessible fixed fishing pier parallel to the shoreline, nearshore seating in a universally accessible amphitheater-like setting to allow viewing/access to the Buffalo River, in-water shoreline habitat improvements and fish attraction features, debris deflection features to minimize debris accumulations at the boat launch, site features to acknowledge the historical railroad and site illumination.

The purpose of the proposed project is to expand and enhance the existing public access facility on Ohio Street to encourage paddling, boating, fishing, and passive recreation along the Buffalo River waterfront, including enhanced connections to the Buffalo Blueway and Greenway trail systems. The project is located at 421 Ohio Street in the City of Buffalo, Erie County on the Buffalo River.

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

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

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

PUBLIC NOTICE

Department of State
F-2020-0543

Date of Issuance – November 18, 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-2020-0543- Jonathan Israel-proposes the Installation of a 5' x 60' pier leading to a 3' x 20' ramp and 10' x 20' float with 4-pile boat lift.

Town of Hempstead, Nassau County, South Oyster Bay

* * *

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0543ConsistCert.pdf>

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

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

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

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

PUBLIC NOTICE

Department of State
F-2020-0756

Date of Issuance – November 18, 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-2020-0756, The Town of Irondequoit proposes to make five different improvements to the Town operated Irondequoit Bay Marine Park. The five improvements include 1.) creating a car-top canoe/kayak launch which will include a 12' wide Flexi-Pave path extending ~10.5' below Ordinary High Water (to the low water mark) leading to a 15'x15' gravel pad (8.3cy of rock fill); 2.) install a 19'x10.5' ADA compliant fishing platform; 3.) install transient docks including a 4'x50' gangway leading to a 6'x144' floating dock with 12 finger docks, each finger dock would be 4'x24', the transient docking structure would be secured with anchor blocks and chains; 4.) extension of an existing concrete boat launch by ~15' additional feet into the bay, inclusive of removal of ~52.5cy of bottom materials and installation of 12" thick crushed rock subbase and placement of 9" thick pre-cast concrete slabs, slabs will be anchored in place with pipe piles; 5.) installation of a new sloped rock revetment structure along ~63lf of currently unprotected shoreline, the revetment would include the removal of ~65cy of material to shape the subgrade, installation of 70cy (56cy below OHW) of subbase material and 147cy (80cy below OHW) of large rock, the revetment would match the and tie into an existing adjacent revetment structure.

The proposed work is for the Irondequoit Bay Marine Park, which is owned by New York State Office of Parks Recreation and Historic Preservation and operated by the Town of Irondequoit. The park is located off Culver Road and Sea Breeze Drive at the north end of Irondequoit Bay within the Town of Irondequoit, Monroe County.

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

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0756ForPN.pdf>

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

Any interested parties and/or agencies desiring to express their

views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, December 3, 2020.

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

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

PUBLIC NOTICE

Department of State
F-2020-0859

Date of Issuance – November 18, 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-2020-0859, Pavlo Tupyshak is proposing to remove and replace 28lf of a bulkhead return in-place. The replaced bulkhead will be 18-inches higher than the existing bulkhead. Also, proposed is the construction of a 60'x 4' fixed pier, a 18'x18' 4-pile lift and a 12.5'x12' 2-pile personal watercraft lift. The project site is located on Babylon Cove at 258 Sequams Lane Center, West Islip, NY 11795, Suffolk County.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0859Tupyshak.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 18, 2020.

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

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

PUBLIC NOTICE

Department of State
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.

2020-0496 Matter of Mary Ellen Curtis, 22 North Creek Road, Northport, NY 11768, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 10 Findley Drive, East Northport, Town of Huntington, NY 11731 County of Suffolk, State of New York.

2020-0497 Matter of John Amisano - Architect, John Amisano, Two

Brittany Court, Northport, NY 11768, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 19 Timber Lane, Manhasset, Town of North Hempstead, NY 11030 County of Nassau, State of New York.

PUBLIC NOTICE

Department of State

2020-0506 Matter of SourceOne, Manuel Cruz, 370 Seventh Avenue, Suite 401, New York, NY 10001 for a variance concerning fire code requirements including UL listing, and maximum allowable battery size. Involved are alterations to an existing building, located at 815 Nostrand Avenue, Brooklyn, Kings County, State of New York.

PUBLIC NOTICE

Department of Taxation and Finance

Interest Rates

The Commissioner of Taxation and Finance hereby sets the interest rates for the months of January, February, March 2021 pursuant to sections 697(j) and 1096(e) of the Tax Law, as follows:

For purposes of section 697(j) the overpayment rate of interest is set at 2 percent per annum, and the underpayment rate of interest is set at 7.5 percent per annum. For purposes of section 1096(e), the overpayment rate of interest is set at 2 percent per annum, and the underpayment rate of interest is set at 7.5 percent per annum. (The underpayment rates set pursuant to sections 697(j) and 1096(e) may not be less than 7.5 percent per annum.) Pursuant to section 1145(a)(1) of the Tax Law, the underpayment rate for State and local sales and use taxes administered by the Commissioner of Taxation and Finance is 14.5 percent per annum. The underpayment rate for the special assessments on hazardous waste imposed by section 27-0923 of the Environmental Conservation Law is 15 percent.

For the interest rates applicable to overpayments (refunds) and underpayments (late payments and assessments) of the following taxes administered by the Commissioner of Taxation and Finance for the period January 1, 2021 through March 31, 2021, see the table below:

1/1/21 - 3/31/21
Interest Rate Per Annum
Compounded Daily

Commonly viewed tax types	Refunds	Late Payments & Assessments
Income **	2%	7.5%
Sales and use	2%	14.5% *
Withholding	2%	7.5%
Corporation **	2%	7.5%
All other tax types	Refunds	Late Payments & Assessments
Alcoholic Beverage	2%	7.5%
Authorized Combative Sports	2%	7.5%
Beverage Container Deposits	2%	7.5%
Cigarette	NA	7.5%
Congestion Surcharge	2%	7.5%
Diesel Motor Fuel	2%	7.5%
Estate	2%	7.5%
Fuel Use Tax	***	***
Generation-Skipping Transfer	2%	7.5%
Hazardous Waste	2%	15%
Highway Use	2%	7.5%
Medical Marihuana	2%	7.5%
New York City Taxicab and Hail Vehicle Trip Tax	2%	7.5%
Metropolitan Commuter Transportation Mobility Tax	2%	7.5%

Mortgage Recording	2%	7.5%
Motor Fuel	2%	7.5%
Opioid Excise Tax	2%	7.5%
Paper Carryout Bag Reduction Fee	2%	14.5%
Petroleum Business	2%	7.5%
Real Estate Transfer	2%	7.5%
Tobacco Products	NA	7.5%
Transportation Network Company Assessment	2%	7.5%
Waste Tire Fee	2%	7.5%
Wireless Communications Surcharge	2%	14.5%

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

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

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

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

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

PUBLIC NOTICE

Department of Taxation and Finance
Tax Law Article 13-A Rates

Pursuant to the provisions of Tax Law sections 301-a(e), (f), (g) and (h), 301-d(b), 301-e(b) and (c), 301-j(a) and (c) and 308(a), the Commissioner of Taxation and Finance hereby gives public notice regarding the petroleum business tax (Tax Law, Article 13-A) rate adjustment calculation and the resulting rates effective January 1, 2021 (effective March 1, 2021 for quarterly filers), as follows: The motor fuel and highway diesel motor fuel rate is adjusted from \$.104 to \$.099; the non-highway diesel motor fuel rate is adjusted from \$.095 to \$.091; the residual petroleum product rate is adjusted from \$.073 to \$.070; the kero-jet fuel rate is adjusted from \$.070 to \$.067; the aviation gasoline rate is adjusted from \$.104 to \$.099; the rate of the supplemental tax on aviation gasoline is adjusted from \$.070 to \$.067; and the rate of the supplemental petroleum business tax is adjusted from \$.070 to \$.067. The separate rate of supplemental petroleum business tax with respect to highway diesel motor fuel is adjusted from \$.0525 to \$.0495; it is computed by subtracting one and three-quarters cents from the adjusted rate of the supplemental petroleum business tax. The railroad diesel rate is adjusted from \$.091 to \$.086; it is computed by subtracting one and three-tenths cents from the motor fuel and highway diesel motor fuel rate.

The basic utility credit (or reimbursement) rate with respect to residual petroleum product is adjusted from \$.0585 to \$.0556 and the basic utility credit (or reimbursement) rate with respect to non-highway diesel motor fuel product is adjusted from \$.0588 to \$.0559. The basic utility credit (or reimbursement) rates are further adjusted

by adding one-half of one cent to the adjusted basic rates of the utility credits (or reimbursements); as a result, the utility credit (or reimbursement) rate with respect to residual petroleum product is adjusted from \$.0635 to \$.0606, and the utility credit (or reimbursement) rate with respect to non-highway diesel motor fuel product is adjusted from \$.0638 to \$.0609.

The adjusted petroleum business tax rates are obtained by multiplying the existing rates by a fraction, the numerator of which is the sum of the monthly producer price indices (unadjusted) for refined petroleum products for the twelve consecutive months ending with the month of August 2020, and the denominator of which is the sum of the monthly producer price indices (unadjusted) for refined petroleum products for the twelve consecutive months ending with the month of August 2019. Such monthly producer price indices for the twelve consecutive months ending with the month of August 2020, are 190.3, 195.6, 192.1, 191.3, 190.3, 175.8, 147.8, 90.3, 105.5, 127.2, 149.1, and 149.1, which total 1904.4. Such monthly producer price indices for the twelve consecutive months ending with the month of August 2019, are 225.7, 233.1, 214.3, 183.8, 167.6, 177.6, 197.1, 211.7, 213.0, 197.5, 206.2, and 194.5, which total 2422.1. The producer price index for the category of commodities designated as refined petroleum products is published monthly by the Bureau of Labor Statistics of the U.S. Department of Labor. As required by law, the adjusted rates, except the utility credit (or reimbursement) rates and the rate of supplemental petroleum business tax with respect to highway diesel motor fuel, have been rounded to the nearest tenth of one cent. The utility credit (or reimbursement) rates and the rate of supplemental petroleum business tax with respect to highway diesel motor fuel have been rounded to the nearest hundredth of one cent. Section 301-a of the Tax Law does not allow the rates to change by more than 5 percent of the rates in effect on December 31. The computed rate change would be a decrease of 21.4 percent; therefore, all of the above rates were subject to the 5 percent limitation.

For further information contact: David Shanley, Department of Taxation & Finance, Taxpayer Guidance Division, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4116, e-mail: David.Shanley@tax.ny.gov

