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**NEW YORK STATE**

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# **REGISTER**

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- Permitting the Dignity for All Students Act (DASA) Training to be Provided Entirely Online Due to the COVID-19 Crisis
- Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure
- Setoff Against Unemployment Insurance Benefits for the Recovery Nonwillful Overpayments

**Executive Orders**

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

***For notices published in this issue:***

- the 60-day period expires on August 22, 2021
- the 45-day period expires on August 7, 2021
- the 30-day period expires on July 23, 2021

**ANDREW M. CUOMO  
GOVERNOR**

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SECRETARY OF STATE**

**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

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

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

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

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

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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.

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

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

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

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

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## Department of Civil Service

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### NOTICE OF ADOPTION

#### Jurisdictional Classification

**I.D. No.** CVS-06-21-00001-A  
**Filing No.** 678  
**Filing Date:** 2021-06-03  
**Effective Date:** 2021-06-23

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

**Action taken:** Amendment of Appendixes 1 and 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete positions from and classify positions in the exempt class and to classify positions in the non-competitive class.

**Text or summary was published** in the February 10, 2021 issue of the Register, I.D. No. CVS-06-21-00001-P.

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

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

#### Assessment of Public Comment

The agency received no public comment.

### NOTICE OF ADOPTION

#### Jurisdictional Classification

**I.D. No.** CVS-06-21-00002-A  
**Filing No.** 680  
**Filing Date:** 2021-06-03  
**Effective Date:** 2021-06-23

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text or summary was published** in the February 10, 2021 issue of the Register, I.D. No. CVS-06-21-00002-P.

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

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

#### Assessment of Public Comment

The agency received no public comment.

### NOTICE OF ADOPTION

#### Jurisdictional Classification

**I.D. No.** CVS-06-21-00003-A  
**Filing No.** 679  
**Filing Date:** 2021-06-03  
**Effective Date:** 2021-06-23

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a position from and to classify a position in the exempt class.

**Text or summary was published** in the February 10, 2021 issue of the Register, I.D. No. CVS-06-21-00003-P.

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

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

#### Assessment of Public Comment

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-06-21-00004-A

Filing No. 681

Filing Date: 2021-06-03

Effective Date: 2021-06-23

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete positions from the non-competitive class.

**Text or summary was published** in the February 10, 2021 issue of the Register, I.D. No. CVS-06-21-00004-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

## NOTICE OF ADOPTION

## Jurisdictional Classification

I.D. No. CVS-06-21-00005-A

Filing No. 677

Filing Date: 2021-06-03

Effective Date: 2021-06-23

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the non-competitive class.

**Text or summary was published** in the February 10, 2021 issue of the Register, I.D. No. CVS-06-21-00005-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

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## Education Department

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

#### Permitting the Dignity for All Students Act (DASA) Training to be Provided Entirely Online Due to the COVID-19 Crisis

I.D. No. EDU-25-21-00018-EP

Filing No. 692

Filing Date: 2021-06-08

Effective Date: 2021-06-08

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

**Proposed Action:** Amendment of sections 52.21, 57-4.5 and 80-1.13 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 14, 101, 207, 208, 305, 308, 3001, 3004 and 3009

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

**Specific reasons underlying the finding of necessity:** Education Law § 14, also known as the Dignity for All Students Act (DASA), requires prospective school professionals who apply for a certificate or license to complete training on the social patterns of harassment, bullying (including cyberbullying), and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

For certification, candidates can complete the DASA training as part of a New York State registered educator preparation program or through a workshop offered by a provider approved by the Department. At its February 2021 meeting, the Board of Regents voted to permit the six-clock-hour DASA training to be conducted entirely online, and no longer include at least three clock hours through face-to-face instruction, during the time period of the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

As currently written, the regulation allows such training to be conducted entirely online during the State of emergency. However, as COVID-19 numbers in New York State continue to decline, it is unclear exactly how long the executive order declaring the State of emergency will remain in effect.

Therefore, to provide some certainty in this regard, the Department proposes to permit approved DASA training providers, including institutions of higher education that include the DASA training in their educator preparation program curricula, to provide DASA training entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to Executive Order for the COVID-19 crisis. Candidates would be permitted to complete the DASA training entirely online during this time period.

This amendment ensures that DASA training can be completed entirely online until December 31, 2021, even if the executive order declaring the State of emergency expires prior to such date. Additionally, the set date in the proposed amendment will help approved DASA training providers, including institutions of higher education, plan for this flexibility in DASA training through December 31, 2021.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the September 2021 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be September 29, 2021, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the June 2021 meeting for the preservation of the general welfare and public health in order to permit DASA training to be provided entirely online through December 31, 2021, whether or not the State of emergency for the COVID-19 crisis is in effect.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at its September 2021 meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for State agency rule making. However, since the emergency action will expire before the September Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the July 2021 Regents meeting.

**Subject:** Permitting the Dignity for All Students Act (DASA) Training to be Provided Entirely Online Due to the COVID-19 Crisis.

**Purpose:** To permit DASA training to be provided entirely online through December 31, 2021 due to the COVID-19 crisis.

**Text of emergency/proposed rule:** 1. Paragraph (5) of subdivision (a) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(5) All registered teacher education programs leading to certification in the classroom teaching service, school service, or administrative and supervisory service shall provide six clock hours, of which at least three hours must be conducted through face-to-face instruction, of coursework or training in the prevention and intervention of harassment, bullying and discrimination, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] *through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.* Such coursework or training shall include, training on the social patterns of harassment, bullying and discrimination, as defined in section 11 of the Education Law, including but not limited to those acts based on a person's



actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion[.], bias and aggression in educational settings.

2. Item (xiii) of subclause (1) of clause (c) of subparagraph (ii) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(xiii) means for the prevention of and intervention in harassment, bullying and discrimination in accordance with section 14 of the Education Law. Such study shall include six clock hours, of which at least three hours must be conducted through face-to-face instruction, of course work or training on the social patterns of harassment, bullying and discrimination; as defined in section 11 of the Education Law, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] *through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.*

3. Item (X) of subitem (A) of item (i) of subclause (1) of clause (a) of subparagraph (xiii) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(X) means for the prevention of and intervention harassment, bullying and discrimination in accordance with section 14 of the Education Law. Such study shall include six clock hours, of which at least three hours must be conducted through face-to-face instruction, of course work or training on the social patterns of harassment, bullying and discrimination, as defined in section 11 of the Education Law, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] *through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis, and*

4. Subitem (J) of item (iv) of subclause (2) of clause (b) of subparagraph (xvii) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(J) means for the prevention of and intervention in harassment, bullying and discrimination in accordance with section 14 of the Education Law. Such study shall include six clock hours, of which at least three hours must be conducted through face-to-face instruction, of course work or training on the social patterns of harassment, bullying and discrimination, as defined in section 11 of the Education Law, including but not limited to those acts based on person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] *through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.*

5. Clause (c) of subparagraph (iv) of paragraph (1) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(c) Programs shall ensure that candidates complete six clock hours, of which at least three hours must be conducted through face-to-face instruction, of coursework or training on the social patterns of harassment, bullying and discrimination, a, in accordance with the requirements of section 14 of the Education Law, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] *through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.*

6. Clause (m) of subparagraph (v) of paragraph (7) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(m) ensure that candidates complete six clock hours, of which at least three hours must be conducted through face-to-face instruction, of coursework or training on the social patterns of harassment, bullying and discrimination, in accordance with the requirements of section 14 of the

Education Law, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] *through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis;*

7. Subdivision (a) of section 57-4.5 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) A provider, at a minimum, shall offer the syllabus prepared by the department and demonstrate that at least three of the six clock hours shall be conducted through face-to-face instruction, except that the six clock hours of coursework or training may be provided entirely online [during the time period of] *through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.* However, nothing in this section shall preclude providers from offering additional coursework or training which exceeds, or expands upon, the six hour syllabus prescribed by the department.

8. Section 80-1.13 of the Regulations of the Commissioner of Education shall be amended to read as follows:

All candidates for a certificate or license valid for an administrative or supervisory service, classroom teaching service or school service who apply for a certificate or license on or after December 31, 2013, shall have completed at least six clock hours, of which at least three hours must be conducted through face-to-face instruction, of course work or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 the Education Law, which is provided by a registered program leading to certification pursuant to section 52.21 of this Title or other approved provider pursuant to Subpart 57-4 of this Title, except that candidates may complete the minimum six clock hours of course work or training entirely online [during the time period of] *through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.*

**This notice is intended:** to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire September 5, 2021.

**Text of rule and any required statements and analyses may be obtained from:** Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

**Data, views or arguments may be submitted to:** Petra Maxwell, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 474-2238, email: OHEREGComments@nysed.gov

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

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

#### Regulatory Impact Statement

##### 1. STATUTORY AUTHORITY:

Education Law § 14 authorizes the Commissioner to prescribe regulations regarding the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

Education Law § 101 (not subdivided) charges the Department with the general management and supervision of all public schools and all of the educational work of the state.

Education Law § 207 (not subdivided) grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law § 208 grants general rule-making authority to the Regents to award and confer certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

Education Law § 305 authorizes the Commissioner to enforce the educational policies of this State and execute all educational policies determined by the Regents and shall prescribe the licensing of teachers employed in this State.

Education Law § 308 authorizes the Commissioner to enforce any rule or direction of the Regents.

Education Law § 3001 establishes the qualifications of teachers in the classroom.

Education Law § 3004 authorizes the Commissioner to promulgate regulations governing the certification requirements for teachers employed in public schools.

Education Law § 3009 prohibits school districts from paying the salary of an unqualified teacher.

##### 2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to permit approved DASA training providers, including institutions of higher education that include the DASA training in their educator preparation program curricula, to provide DASA training entirely online through December 31, 2021 in response to the State of emergency

declared by the Governor pursuant to Executive Order for the COVID-19 crisis. Candidates would be permitted to complete the DASA training entirely online during this time period.

### 3. NEEDS AND BENEFITS:

Education Law § 14, also known as the Dignity for All Students Act (DASA), requires prospective school professionals who apply for a certificate or license to complete training on the social patterns of harassment, bullying (including cyberbullying), and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

For certification, candidates can complete the DASA training as part of a New York State registered educator preparation program or through a workshop offered by a provider approved by the Department. At its February 2021 meeting, the Board of Regents voted to permit the six-clock-hour DASA training to be conducted entirely online, and no longer include at least three clock hours through face-to-face instruction, during the time period of the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

As currently written, the regulation allows such training to be conducted entirely online during the State of emergency. However, as COVID-19 numbers in New York State continue to decline, it is unclear exactly how long the executive order declaring the State of emergency will remain in effect.

Therefore, to provide some certainty in this regard, the Department proposes to permit approved DASA training providers, including institutions of higher education that include the DASA training in their educator preparation program curricula, to provide DASA training entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to Executive Order for the COVID-19 crisis. Candidates would be permitted to complete the DASA training entirely online during this time period.

This amendment ensures that DASA training can be completed entirely online until December 31, 2021, even if the executive order declaring the State of emergency expires prior to such date. Additionally, the set date in the proposed amendment will help approved DASA training providers, including institutions of higher education, plan for this flexibility in DASA training through December 31, 2021.

### 4. COSTS:

a. Costs to State government: The amendments do not impose any costs on State government, including the State Education Department.

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 agencies for implementation and continued administration: See above.

### 5. LOCAL GOVERNMENT MANDATES:

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

### 6. PAPERWORK:

The proposed amendments do not impose any additional paperwork requirements.

### 7. DUPLICATION:

The proposed amendments do not duplicate existing State or Federal requirements.

### 8. ALTERNATIVES:

The purpose of the proposed amendment is to permit approved DASA training providers, including institutions of higher education that include the DASA training in their educator preparation program curricula, to provide DASA training entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to Executive Order for the COVID-19 crisis. Candidates would be permitted to complete the DASA training entirely online during this time period. There are no significant alternatives, and none were considered.

### 9. FEDERAL STANDARDS:

There are no applicable Federal standards.

### 10. COMPLIANCE SCHEDULE:

A Notice of Proposed Rule Making will be published in the State Register on June 8, 2021. Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for permanent adoption at its September 2021 meeting. If adopted at the September 2021 meeting, the proposed amendment will become effective on September 29, 2021. Because the emergency adoption will expire before the September 2021 Regents meeting, it is anticipated that additional emergency actions will be presented for adoption at the July 2021 Regents

meeting. It is anticipated that regulated parties will be able to comply with the proposed rule by its effective date.

### Regulatory Flexibility Analysis

The proposed amendment applies to all higher education institutions 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.

The purpose of the proposed rule is to permit approved DASA training providers, including institutions of higher education that include the DASA training in their educator preparation program curricula, to provide DASA training entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to Executive Order for the COVID-19 crisis. Candidates would be permitted to complete the DASA training entirely online during this time period.

This amendment ensures that DASA training can be completed entirely online until December 31, 2021, even if the executive order declaring the State of emergency expires prior to such date. Additionally, the set date in the proposed amendment will help approved DASA training providers, including institutions of higher education, plan for this flexibility in DASA training through December 31, 2021.

The amendment does not impose any new recordkeeping or other compliance requirements and will not have an adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed technical amendment that it will not affect small businesses or local governments, no further steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

### Rural Area Flexibility Analysis

#### 1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed amendment applies to all higher education institutions 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:

Education Law § 14, also known as the Dignity for All Students Act (DASA), requires prospective school professionals who apply for a certificate or license to complete training on the social patterns of harassment, bullying (including cyberbullying), and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

For certification, candidates can complete the DASA training as part of a New York State registered educator preparation program or through a workshop offered by a provider approved by the Department. At its February 2021 meeting, the Board of Regents voted to permit the six-clock-hour DASA training to be conducted entirely online, and no longer include at least three clock hours through face-to-face instruction, during the time period of the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

As currently written, the regulation allows such training to be conducted entirely online during the State of emergency. However, as COVID-19 numbers in New York State continue to decline, it is unclear exactly how long the executive order declaring the State of emergency will remain in effect.

Therefore, to provide some certainty in this regard, the Department proposes to permit approved DASA training providers, including institutions of higher education that include the DASA training in their educator preparation program curricula, to provide DASA training entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to Executive Order for the COVID-19 crisis. Candidates would be permitted to complete the DASA training entirely online during this time period.

This amendment ensures that DASA training can be completed entirely online until December 31, 2021, even if the executive order declaring the State of emergency expires prior to such date. Additionally, the set date in the proposed amendment will help approved DASA training providers, including institutions of higher education, plan for this flexibility in DASA training through December 31, 2021.

#### 3. COSTS:

The proposed amendment does not impose any costs on institutional candidates and/or the New York State school districts or the BOCES.

#### 4. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to permit approved DASA training providers, including institutions of higher education that include the DASA training in their educator preparation program curricula, to provide

DASA training entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to Executive Order for the COVID-19 crisis. Candidates would be permitted to complete the DASA training entirely online during this time period. Therefore, no alternatives were considered for those institutions located in rural areas of the State.

**5. RURAL AREA PARTICIPATION:**

Copies of the proposed amendments have been provided to the New York Association of Colleges for Teacher Education for review and comment, who have members in rural areas of the state.

**Job Impact Statement**

The purpose of the proposed rule is to permit approved DASA training providers, including institutions of higher education that include the DASA training in their educator preparation program curricula, to provide DASA training entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to Executive Order for the COVID-19 crisis. Candidates would be permitted to complete the DASA training entirely online during this time period.

This amendment ensures that DASA training can be completed entirely online until December 31, 2021, even if the executive order declaring the State of emergency expires prior to such date. Additionally, the set date in the proposed amendment will help approved DASA training providers, including institutions of higher education, plan for this flexibility in DASA training through December 31, 2021.

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

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

**Two-Step Identification Process for Academic Services (AIS) for Students Who Will Be Enrolled in Grades 3-8 in 2021-22**

**I.D. No.** EDU-25-21-00019-EP

**Filing No.** 693

**Filing Date:** 2021-06-08

**Effective Date:** 2021-06-08

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

**Proposed Action:** Amendment of section 100.2(ee) of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 305, 308, 309 and 3204

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

**Specific reasons underlying the finding of necessity:** At its December meeting, the Board of Regents voted to permanently adopt amendments to section 100.2(ee) of the Commissioner’s regulations to provide that schools are not required to conduct the two-step identification prescribed for identification of students to receive academic intervention services (AIS) for the 2020-2021 school year due to the cancellation of State assessments for the 2019-2020 school year as a result of the COVID-19 crisis.

Due to the limited administration of State assessments in the 2020-2021 school year as a result of the COVID-19 crisis, the Department now proposes to amend section 100.2(ee) of the Commissioner’s regulations to provide that schools may, but are not required to, conduct the two-step identification process for the 2021-2022 school year. For schools that opt not to conduct the two-step identification processes of the 2021-2022 school year, schools may make such identification based solely on the district-developed procedures for all students who will be enrolled in grades 3 through 8 for the 2021-22 school year.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the September 2021 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be September 29, 2021, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the June 2021 meeting for the preservation of the public health and general welfare in order to immediately provide flexibility for the two-step identification process for academic intervention services (AIS) for the 2021-2022 school year in response to the COVID-19 crisis.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at its September 2021 meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for State agency rule making. However, since the emergency action will expire before the September Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the July 2021 Regents meeting.

**Subject:** Two-Step Identification Process for Academic Services (AIS) for Students Who Will Be Enrolled in Grades 3-8 in 2021-22.

**Purpose:** To provide flexibility for the 2-step AIS identification process for students enrolled in grades 3-8 in the 2021-22 school year.

**Text of emergency/proposed rule:** Clause (f) of subparagraph (ii) of paragraph (2) of subdivision (ee) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(f) Notwithstanding any other provision of this subparagraph[, schools]:

(i) Schools shall not be required to conduct the two-step identification process prescribed in clauses (a) and (b) of this subparagraph for the 2020-21 school year due to the cancellation of State assessments for the 2019-20 school year [due to]. Schools may, but are not required to, conduct the two-step identification process prescribed in clauses (a) and (b) of this subparagraph for the 2021-22 school year due to the limited administration of State assessments in the 2020-21 school year as a result of the State of emergency declared by the Governor for the COVID-19 crisis.

(ii) For all students who will be enrolled in grades 3 through 8 for the 2020-21 school year, schools shall make such identification based solely on the district-developed procedures prescribed in clauses (b), (d) and (e) of this subparagraph. For schools that opt not to conduct the two-step identification process prescribed in clauses (a) and (b) of this subparagraph for the 2021-22 school year, schools may make such identification based solely on the district-developed procedures prescribed in clauses (b), (d), and (e) of this subparagraph for all students who will be enrolled in grades 3 through 8 for the 2021-22 school year.

**This notice is intended:** to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire September 5, 2021.

**Text of rule and any required statements and analyses may be obtained from:** Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

**Data, views or arguments may be submitted to:** Kathleen DeCataldo, Assistant Commissioner, Office of Student Support Services, NYS Education Department, 89 Washington Avenue, Room 318-M-EB, Albany, NY 12234, (518) 473-2890, email: REGCOMMENTS@nysed.gov

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

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

**Regulatory Impact Statement**

**1. STATUTORY AUTHORITY:**

Education law § 101 continues existence of Education Department, with Board of Regents as its head, and authorizes Regents to appoint Commissioner of Education as Department’s Chief Administrative Officer, which is charged with general management and supervision of all public schools and educational work of State.

Education Law § 207 (not subdivided) empowers the Regents and Commissioner to adopt rules and regulations to carry out State education laws and functions and duties conferred on the Department.

Education Law § 308 empowers the Commissioner to cause to be instituted such proceedings and processes as may be necessary to property enforce and give effect to any provision in the Education Law or in any other general or special law pertaining to the school system of the state or any part thereof or to any school district or city and to enforce any rule or direction of the regents.

Education Law § 309 provides that the schools of every union free school district and of every city in all their departments are subject to the visitation of the Commissioner and charges the Commissioner with the general supervision of their board of education and their management and conduct of all departments of instruction.

Education Law § 3204 provides that minors required to attend upon instruction pursuant to the Compulsory Education Law may attend at a public school or elsewhere and sets forth the requirements of such instruction.

**2. LEGISLATIVE OBJECTIVES:**

The proposed amendment is consistent with the above statutory authority and is necessary to provide regulatory flexibility for the two-step identification process for the identification of grades 3 – 8 students to

receive academic intervention services (AIS) due to the limited administration of State assessments in the 2020-21 school year as a result of the COVID-19 crisis.

### 3. NEEDS AND BENEFITS:

Ordinarily, schools are required to conduct a two-step identification process to identify those students in need of academic intervention services (AIS). At its December 2020 meeting, the Board of Regents adopted regulations providing that schools were not required to conduct this process during the 2020-2021 school year for grade 3-8 students due to the cancellation of State assessments (due, in turn, to COVID-19).

The Department now proposes to extend similar flexibility to the 2021-2022 school year due to the limited administration of State assessments during the 2020-2021 school year. Specifically, the Department proposes to amend section 100.2(ee) of the Commissioner's regulations to provide that schools may, but are not required to, conduct the two-step identification process for grade 3-8 students during the 2021-2022 school year. Those schools that do not utilize the two-step identification process may make an identification based solely on district-developed procedures applicable to all grade 3-8 students during the 2021-2022 school year.

### 4. COSTS:

(a) Costs to State government: There are no additional costs to State government.

(b) Costs to local government: There are no additional costs to local government.

(c) Cost to private regulated parties: The proposed amendment does not impose any additional costs on regulated parties.

(d) Cost to the regulatory agency: There are no additional costs to the State Education Department.

### 5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any program, service, duty, or responsibility on local governments beyond those imposed by State and federal statutes.

### 6. PAPERWORK:

The proposed rule imposes no new reporting requirements or other paperwork requirements.

### 7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or Federal requirements.

### 8. ALTERNATIVES:

The proposed amendment is necessary to provide regulatory flexibility for the two-step identification process for the identification of grades 3 – 8 students to receive academic intervention services (AIS) due to the limited administration of State assessments in the 2020-21 school year as a result of the COVID-19 crisis. There are no significant alternatives to the proposed amendment and none were considered.

### 9. FEDERAL STANDARDS:

There are no applicable Federal standards.

### 10. COMPLIANCE SCHEDULE:

The emergency action will take effect June 9, 2021. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2021 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. Because the emergency action will expire before the September 2021 Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the July 2021 meeting. If adopted at the September 2021 meeting, the proposed amendment will become effective on September 29, 2021. It is anticipated that the regulated parties will be able to comply with the proposed amendment by the effective date.

### *Regulatory Flexibility Analysis*

(a) Small Businesses: The purpose of the proposed rule is to provide regulatory flexibility for the two-step identification process for the identification of grades 3 – 8 students to receive academic intervention services (AIS) due to the limited administration of State assessments in the 2020-21 school year as a result of the COVID-19 crisis.

The proposed rule does not impose any adverse economic impact, reporting, record keeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

### (b) Local Governments:

#### 1. EFFECT OF RULE:

The purpose of the proposed rule is to provide regulatory flexibility for the two-step identification process for the identification of grades 3 – 8 students to receive academic intervention services (AIS) due to the limited administration of State assessments in the 2020-21 school year as a result of the COVID-19 crisis. The proposed rule applies to each of the 731 public school districts in the State.

### 2. COMPLIANCE REQUIREMENTS:

Ordinarily, schools are required to conduct a two-step identification process to identify those students in need of academic intervention services (AIS). At its December 2020 meeting, the Board of Regents adopted regulations providing that schools were not required to conduct this process during the 2020-2021 school year for grade 3-8 students due to the cancellation of State assessments (due, in turn, to COVID-19).

The Department now proposes to extend similar flexibility to the 2021-2022 school year due to the limited administration of State assessments during the 2020-2021 school year. Specifically, the Department proposes to amend section 100.2(ee) of the Commissioner's regulations to provide that schools may, but are not required to, conduct the two-step identification process for grade 3-8 students during the 2021-2022 school year. Those schools that do not utilize the two-step identification process may make an identification based solely on district-developed procedures applicable to all grade 3-8 students during the 2021-2022 school year.

### 3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional service requirements on local governments.

### 4. COMPLIANCE COSTS:

The proposed rule does not impose any costs beyond those imposed by State and federal statutes.

### 5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional technological requirements on school districts. Economic feasibility is addressed under the Compliance Costs section above.

### 6. MINIMIZING ADVERSE IMPACT:

The proposed rule provides regulatory flexibility for the two-step identification process for the identification of grades 3 – 8 students to receive academic intervention services (AIS) due to the limited administration of State assessments in the 2020-21 school year as a result of the COVID-19 crisis. There are no significant alternatives to the proposed amendment and none were considered.

### 7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State and from the chief school officers of the five big city school districts.

### *Rural Area Flexibility Analysis*

Ordinarily, schools are required to conduct a two-step identification process to identify those students in need of academic intervention services (AIS). At its December 2020 meeting, the Board of Regents adopted regulations providing that schools were not required to conduct this process during the 2020-2021 school year for grade 3-8 students due to the cancellation of State assessments (due, in turn, to COVID-19).

The Department now proposes to extend similar flexibility to the 2021-2022 school year due to the limited administration of State assessments during the 2020-2021 school year. Specifically, the Department proposes to amend section 100.2(ee) of the Commissioner's regulations to provide that schools may, but are not required to, conduct the two-step identification process for grade 3-8 students during the 2021-2022 school year. Those schools that do not utilize the two-step identification process may make an identification based solely on district-developed procedures applicable to all grade 3-8 students during the 2021-2022 school year.

Since the proposed amendment merely provides flexibility for certain regulatory requirements during the COVID-19 crisis, the proposed amendment does not adversely impact entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

### *Job Impact Statement*

Ordinarily, schools are required to conduct a two-step identification process to identify those students in need of academic intervention services (AIS). At its December 2020 meeting, the Board of Regents adopted regulations providing that schools were not required to conduct this process during the 2020-2021 school year for grade 3-8 students due to the cancellation of State assessments (due, in turn, to COVID-19).

The Department now proposes to extend similar flexibility to the 2021-2022 school year due to the limited administration of State assessments during the 2020-2021 school year. Specifically, the Department proposes to amend section 100.2(ee) of the Commissioner's regulations to provide that schools may, but are not required to, conduct the two-step identification process for grade 3-8 students during the 2021-2022 school year. Those schools that do not utilize the two-step identification process may make an identification based solely on district-developed procedures applicable to all grade 3-8 students during the 2021-2022 school year.

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

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

**Addressing the COVID-19 Crisis****I.D. No.** EDU-20-20-00008-ERP**Filing No.** 691**Filing Date:** 2021-06-08**Effective Date:** 2021-06-08

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

**Action Taken:** Addition of section 80-5.27; amendment of sections 52.21, 60.6, 61.9, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19 and 151-1.3 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 209, 210, 211-f, 214, 215, 305, 1111(b)(3), (c)(4), (d)(2), 3001, 3004, 3009, 3204, 3205, 3602, 3602-3, 3602-ee, 6525, 6611; Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 Stat. 1802)

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

**Specific reasons underlying the finding of necessity:** On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools and directing nonessential work personnel to work from home. In response, the Department adopted emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The Department first presented these proposed amendments to the Full Board for adoption as an emergency action at the May 2020 Regents meeting, effective May 5, 2020. At the June, July, September, October, and December 2020, and February, March, and May 2021 Board meetings, the Department revised the proposed amendments to provide clarification and additional regulatory flexibility. The Department is now proposing additional revisions to the proposed amendment to provide an exemption to the diploma, credential, and endorsement requirements related to the passing of the January 2022 Regents examination in United States history and government. Additionally, the Department proposes to revise the amendments made to section 100.5(b)(7)(iv)(d) of the Commissioner's regulations to clarify that the flexibility for qualifying to take a Regents examination where a student is unable to meet the 1,200 minutes of laboratory experience due to the COVID-19 crisis or to be exempted from a Regents examination pursuant to section 100.5(a)(5)(vi) applies to the 2019-2020 and 2020-2021 school years and 2020 and 2021 summer sessions.

The proposed amendments provide flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;
- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school district business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, work-readiness assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

Because the Board of Regents meets at scheduled intervals, the earliest

the proposed amendments could be presented for regular (nonemergency) adoption, after publication in the State Register and expiration of the 45-day public comment period required in the State Administrative Procedure Act (SAPA) section 201(4-a), is the September 2021 Regents meeting. However, because the COVID-19 crisis is presently affecting the State of New York, emergency action is necessary for the preservation of public health and the general welfare in order to immediately provide flexibility for certain regulatory requirements in response to the COVID-19 crisis, and to ensure that the emergency action taken at the May meeting remains continuously in effect.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the September 2021 Regents meeting, which is the first scheduled meeting after the 45-day public comment period prescribed in SAPA for State agency rule making. Because the emergency rule will expire before the September Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the July 2021 Regents meeting.

**Subject:** Addressing the COVID-19 Crisis.

**Purpose:** To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

**Substance of emergency/revised rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>):** On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools and directing nonessential work personnel to work from home. In response, the Department has adopted emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments as follows:

- Professions
  - o Section 60.6 is amended to permit the Department, at its discretion, to renew limited permits in medicine for one additional 24-month period.
  - o Section 61.19(b) is amended to permit the Department to accept alternative means to be used by dentists and dental hygienists to obtain and/or maintain the required certification in cardiopulmonary resuscitation other than through an in-person course during the COVID-19 crisis.
- Receivership
  - o Section 100.19 is amended to provide that: (1) the Commissioner shall not use 2019-20 school year results to newly identify any schools as struggling, place any schools under independent receivership, or remove the designation of any schools as struggling or persistently struggling; (2) all schools identified as persistently struggling or struggling schools for the 2019-20 school year shall remain so identified for the 2020-21 school year and all schools that operated under a school district superintendent receiver in the 2019-20 school year shall continue to operate under a school district superintendent receiver in the 2020-21 school year; and (3) the Commissioner may, upon a finding of good cause, modify for the 2019-20 through 2021-22 school years any timelines pertaining to notifications, plans, reports, or implementation of activities required by such section, except for any timelines prescribed by law.
- Higher Education
  - o Section 80-3.7 is amended to allow any undergraduate or graduate level course completed during the spring, summer, or fall 2020 terms with a passing grade, or its equivalent, to count toward the content core or pedagogical core semester hour requirements for certification through the Individual Evaluation pathway. The passing grade, or its equivalent, must be in accordance with the pass/fail grading policy, or its equivalent, at the institution of higher education (e.g., credit/no credit, pass/fail, satisfactory/unsatisfactory policy).
  - o Section 80-1.2(b) is amended to extend the expiration date of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and the extensions of the initial and Provisional certificates from August 31, 2020 to January 31, 2021 to provide candidates with the time needed to work in schools and complete the requirements for the Professional or Permanent certificate. Additionally, such section is amended to extend the expiration date of the Conditional Initial certificate from August 31, 2020 to August 31, 2021 to provide candidates with the time needed to complete the edTPA, which requires working with students. An additional year gives candidates the time to establish a relationship with students, teach lessons and assess student learning, and prepare the edTPA submission once classroom routines are more consistent after the COVID-19 crisis.
  - o Section 80-5.27 is added to create an Emergency COVID-19 certifi-

icate for candidates seeking certain certificates, extensions, and annotations because there is limited test center availability and schools have been closed pursuant to Executive Order(s) of the Governor due to the COVID-19 crisis. This certificate would be valid for two years. Candidates must apply for the certificate, extension, or annotation on or before September 1, 2021. They must also apply for the Emergency COVID-19 certificate, in the same certificate title as the certificate, extension, or annotation applied for, on or before September 1, 2021.

o Section 52.21(c) is amended to exempt school district leader (SDL) and school business leader (SDBL) candidates from taking and passing the SDL and SDBL assessment, respectively, for program completion and for the institutional recommendation for the Professional certificate, if they completed all program requirements except the assessment requirement in the 2019-2020 or 2020-2021 academic year. The exemption enables these candidates to complete their program while there is limited test center availability due to the COVID-19 crisis and receive institutional recommendation for Professional certification, which would be needed to pursue the proposed Emergency COVID-19 certificate. The candidates would need to take and pass the SDL and SDBL assessment to earn Professional SDL and SDBL certification, respectively.

o Section 52.21(c) is also amended to exempt candidates admitted to Transitional D programs leading to school district leader certification from taking and passing the SDL assessment for the institutional recommendation for the Transitional D certificate, if they completed all requirements for admitted candidates except the assessment requirement on or before September 1, 2021. The exemption enables Transitional D candidates to receive institutional recommendation for Transitional D certification while there is limited test center availability due to the COVID-19 crisis, which would be needed to pursue the proposed Emergency COVID-19 certificate. The candidates would need to take and pass the SDL assessment to earn Transitional D certification.

- Early Learning

o Section 151-1.3(b) is amended to waive the requirement that school districts must annually monitor and track prekindergarten program effectiveness for the 2019-2020 school year and to waive the annual report of the percentage of prekindergarten children making significant gains for the 2019-2020 school year.

- Alternative High School Equivalency Program (“AHSEP”)

o Section 100.7 is amended to provide an extension to the June 30 application deadline for alternative high school equivalency preparation programs to be operated during the 2020-2021 school year.

- Curriculum and Instruction

o Section 100.1 is amended to provide that a unit of credit may be earned where a student has not completed a unit of study due to the COVID-19 crisis but has otherwise achieved the standards assessed in the provided coursework;

o Sections 100.2 and 100.5 are amended to provide an exemption to the diploma, credential, and endorsement requirements associated with the Regents examination, pathway assessment, alternative assessment, technical assessment, and locally developed test during the 2019-20 and 2020-21 school years due to the COVID-19 crisis so that students are still able to meet their diploma requirements;

o Section 100.5(a)(5)(vi)(a) is amended to provide an exemption to the diploma, credential, and endorsement requirements related to the passing of the January 2022 Regents examination in United States History and Government so that students are still able to meet their diploma requirements since the January 2022 Regents examination in United States History and Government will not be available;

o Section 100.4 is amended to make a technical citation correction;

o Section 100.5 is amended to provide that for the 2019-2020 and 2020-2021 school years the 1,200 minutes of laboratory experience is not required for a student to qualify to take a Regents examination where such student is unable to meet the 1,200 minute requirement due to the COVID-19 crisis, and to provide that 1,200 minutes of lab experience is not required for a student to be exempted from a Regents examination;

o Section 100.6 is amended to exempt students from the requirements for the career development and occupational studies commencement credential (“CDOS”), including the work readiness assessment, provided that the student is otherwise eligible to exit from high school and has otherwise demonstrated knowledge and skills relating to the CDOS learning standards; and

o Section 100.7 is amended to provide an exemption from the subtests of the general comprehensive examination requirements for a high school equivalency diploma where students meet certain criteria for the 2019-20 and 2020-21 school years.

**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 May 20, 2020, I.D. No. EDU-20-20-00008-EP. The emergency rule will expire August 6, 2021.

**Revised rule making(s) were previously published in the State Register** on March 31, 2021.

**Emergency rule compared with proposed rule:** Substantial revisions were made in section 100.5(a)(5) and (b)(7).

**Text of rule and any required statements and analyses may be obtained from:** Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

**Data, views or arguments may be submitted to:** Julia Patane, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 148EB, Albany, NY 12234, (518) 474-6400, email: REGCOMMENTS@nysed.gov

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

**Revised Regulatory Impact Statement**

Since the publication of a Notice of Emergency Adoption and Revised Rule Making in the State Register on May 26, 2021, substantial revisions were made to section 100.5(a)(5)(vi)(a) of the Commissioner’s regulations to provide an exemption to the diploma, credential, and endorsement requirements related to the passing of the January 2022 Regents examination in United States History and Government since the January 2022 Regents examination in United States History and Government will not be available. Additionally, the proposed rule is revised to clarify that the flexibility provided for science laboratory experience to qualify to take a Regents examination and/or be exempted from a Regents examination applies to the 2019-2020 and 2020-2021 school years, including the 2020 and 2021 summer sessions.

These substantial revisions do not require any changes to the previously published Regulatory Impact Statement.

**Revised Regulatory Flexibility Analysis**

Since the publication of a Notice of Emergency Adoption and Revised Rule Making in the State Register on March 31, 2021, substantial revisions were made to section 100.5(a)(5)(vi)(a) of the Commissioner’s regulations to provide an exemption to the diploma, credential, and endorsement requirements related to the passing of the January 2022 Regents examination in United States History and Government since the January 2022 Regents examination in United States History and Government will not be available. Additionally, the proposed rule is revised to clarify that the flexibility provided for science laboratory experience to qualify to take a Regents examination and/or be exempted from a Regents examination applies to the 2019-2020 and 2020-2021 school years, including the 2020 and 2021 summer sessions.

These substantial revisions do not require any changes to the previously published Regulatory Flexibility Analysis for Small Businesses and Local Government.

**Revised Rural Area Flexibility Analysis**

The purpose of the proposed amendments to the Regulations of the Commissioner of Education is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools and directing nonessential work personnel to work from home. In response, the Department has adopted emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments providing flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;
- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school district business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and

- General comprehensive examination requirements for a high school equivalency diploma.

The proposed amendment provides flexibility for certain regulatory requirements during the COVID-19 crisis. Thus, the proposed amendment does not adversely impact entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

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

The purpose of the proposed amendments is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. The proposed amendment provides flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;
- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

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

The agency received no public comment.

### NOTICE OF ADOPTION

#### **Providing Flexibility Relating to Higher Education Regulatory Requirements in Response to the COVID-19 Crisis**

**I.D. No.** EDU-08-21-00001-A

**Filing No.** 690

**Filing Date:** 2021-06-08

**Effective Date:** 2021-06-23

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

**Action taken:** Amendment of sections 30-1.2, 52.21, 80-3.7 and 80-3.14 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 215, 305, 3001, 3004 and 3009

**Subject:** Providing Flexibility Relating to Higher Education Regulatory Requirements in Response to the COVID-19 Crisis.

**Purpose:** To provide flexibility for certain higher education related regulatory requirements in response to the COVID-19 crisis.

**Text or summary was published** in the February 24, 2021 issue of the Register, I.D. No. EDU-08-21-00001-EP.

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

**Text of rule and any required statements and analyses may be obtained from:** Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

#### **Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, 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.

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

#### **Permanent School Counselor Certificate Requirements**

**I.D. No.** EDU-25-21-00014-P

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

**Proposed Action:** Amendment of sections 80-2.1 and 80-3.1 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 210, 305, 3001, 3004 and 3009

**Subject:** Permanent School Counselor Certificate Requirements.

**Purpose:** To allow candidates who have an expired Provisional School Counselor certificate and apply for a Permanent School Counselor certificate prior to February 2, 2023 to have the flexibility to meet the Permanent School Counselor certificate requirements until such date, regardless of whether their Provisional certificate was in effect when all requirements were met. Additionally, to clarify that candidates who hold a valid Provisional School Counselor certificate and apply for a Permanent School Counselor certificate must meet the requirements for the Permanent School Counselor certificate prior to February 2, 2023 or while under a Provisional School Counselor certificate that was in effect after such date.

**Text of proposed rule:** 1. Subparagraph (v) of paragraph (2) of subdivision (a) of section 80-2.1 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(v) Candidates with an expired provisional certificate in the title school counselor who apply for a permanent certificate in the title school counselor prior to February 2, 2023 shall be subject to the requirements of this Subpart, provided that they have been issued a provisional certificate in this title and have met all requirements for the permanent certificate prior to February 2, 2023 or while under a valid provisional certificate in the title school counselor that was in effect after that date. All other candidates who apply for permanent certificates in the title school counselor shall be subject to the requirements of this Subpart, provided that they: applied for the permanent certificate and have met all requirements for the permanent certificate prior to February 2, 2023; or have been issued a provisional certificate in this title, the provisional certificate is not expired, and either the candidate has met all requirements for the permanent certificate prior to February 2, 2023 or while under a provisional certificate that was in effect after that date. Candidates with expired provisional certificates in the title school counselor who apply for permanent certificates in the title school counselor on or after February 2, 2023 or who do not meet these conditions shall be subject to the requirements of Subpart 80-3 of this Part, unless otherwise specifically prescribed in this Part.

2. Subparagraph (iii) of paragraph (2) of subdivision (a) of section 80-3.1 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(iii) Candidates who apply for a permanent certificate in the title school counselor shall be subject to the requirements of Subpart 80-2 of this Part, provided that they have applied for the permanent certificate and have met all requirements for the permanent certificate prior to February 2, 2023, or have been issued a provisional certificate in this title for which the permanent certificate is sought and have met all requirements for the permanent certificate prior to February 2, 2023 or while under a valid provisional certificate in the title school counselor that was in effect after that date.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

**Data, views or arguments may be submitted to:** Petra Maxwell, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 474-2238, email: OHEREGComments@nysed.gov

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

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

#### **Regulatory Impact Statement**

##### **1. STATUTORY AUTHORITY:**

Education Law 101 (not subdivided) charges the Department with the general management and supervision of all public schools and all of the educational work of the state.

Education Law 207 grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law 210 authorizes the Regents to register domestic and foreign institutions in terms of New York standards.

Education Law 305 authorizes the Commissioner to enforce the educational policies of this State and execute all educational policies determined by the Regents and shall prescribe the licensing of teachers employed in this State.

Education Law 3001 establishes the qualifications of teachers in the classroom.

Education Law 3004 authorizes the Commissioner to promulgate regulations governing the certification requirements for teachers employed in public schools.

Education Law 3009 prohibits school districts from paying the salary of an unqualified teacher.

## 2. LEGISLATIVE OBJECTIVES:

The purpose of the proposed amendment to sections 80-2.1 and 80-3.1 of the Regulations of the Commissioner of Education relating to Permanent School Counselor certificate requirements is to allow those candidates who have an expired Provisional School Counselor certificate to apply for a Permanent School Counselor certificate prior to February 2, 2023 in order to have the flexibility to meet the Permanent School Counselor certificate requirements until such date, regardless of whether their Provisional certificate was in effect when all requirements were met. Additionally, the proposed rule clarifies that candidates who hold a valid Provisional School Counselor certificate and apply for a Permanent School Counselor certificate must meet the requirements for the Permanent School Counselor certificate prior to February 2, 2023 or while under a Provisional School Counselor certificate that was in effect after such date.

## 3. NEEDS AND BENEFITS:

At its May 2017 meeting, the Board of Regents established new Initial and Professional School Counselor certificates and the registration requirements for school counselor programs that lead to the new Initial and Professional School Counselor certificates. These Initial and Professional School Counselor certificates will first be issued on February 2, 2023. Candidates must apply and qualify for the current Provisional School Counselor certificate prior to February 2, 2023.

At present, candidates who have an expired Provisional School Counselor certificate and apply for a Permanent School Counselor certificate prior to February 2, 2023 must meet all requirements for the Permanent certificate while their Provisional certificate was valid. This works to the disadvantage of those candidates who are unable to meet the requirements for a Permanent School Counselor certificate prior to the expiration of their Provisional certificate.

Thus, the Department proposes allowing those candidates who have an expired Provisional School Counselor certificate and apply for a Permanent School Counselor certificate prior to February 2, 2023 to have the flexibility to meet the Permanent School Counselor certificate requirements until such date, regardless of whether their Provisional certificate was in effect when all requirements were met. This change would make the Permanent School Counselor certificate requirements consistent with the Permanent certificate requirements in other pupil personnel services certificate titles (e.g., School Psychologist) where candidates who have an expired Provisional certificate are not required to meet the Permanent certificate requirements while their Provisional certificate is in effect.

Additionally, the Department proposes to clarify that candidates who hold a valid Provisional School Counselor certificate and apply for a Permanent School Counselor certificate must meet the requirements for the Permanent School Counselor certificate prior to February 2, 2023 or while under a Provisional School Counselor certificate that was in effect after such date.

These recommendations will provide appropriate flexibility to qualified candidates, especially given the important role of school counselors who are working with children that are having difficulty coping with the COVID-19 pandemic.

## 4. COSTS:

a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department.

b. Costs to local government: The amendment does not impose any costs on local government.

c. Costs to private regulated parties: The amendment does not impose any costs on private regulated parties.

d. Costs to regulating agency for implementation and continued administration: See above.

## 5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon any local government.

## 6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

## 7. DUPLICATION:

The proposed amendment does not duplicate existing State or Federal requirements.

## 8. ALTERNATIVES:

The proposed rule is necessary to allow those candidates who have an expired Provisional School Counselor certificate to apply for a Permanent School Counselor certificate prior to February 2, 2023 in order to have the flexibility to meet the Permanent School Counselor certificate requirements until such date, regardless of whether their Provisional certificate was in effect when all requirements were met. Additionally, the proposed rule clarifies that candidates who hold a valid Provisional School Counselor certificate and apply for a Permanent School Counselor certificate must meet the requirements for the Permanent School Counselor certificate prior to February 2, 2023 or while under a Provisional School Counselor certificate that was in effect after such date. There are no significant alternatives to the proposed rule and none were considered.

## 9. FEDERAL STANDARDS:

There are no applicable Federal standards.

## 10. COMPLIANCE SCHEDULE:

A Notice of Proposed Rule Making will be published in the State Register on June 8, 2021. Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its September 2021 meeting. If adopted at the September 2021 meeting, the proposed amendment will become effective on September 29, 2021. It is anticipated that the regulated parties will be able to comply with the proposed rule by the effective date.

## *Regulatory Flexibility Analysis*

The proposed amendment applies to all higher education institutions 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.

The purpose of the proposed amendment to sections 80-2.1 and 80-3.1 of the Regulations of the Commissioner of Education relating to Permanent School Counselor certificate requirements is to allow those candidates who have an expired Provisional School Counselor certificate to apply for a Permanent School Counselor certificate prior to February 2, 2023 in order to have the flexibility to meet the Permanent School Counselor certificate requirements until such date, regardless of whether their Provisional certificate was in effect when all requirements were met. Additionally, the proposed rule clarifies that candidates who hold a valid Provisional School Counselor certificate and apply for a Permanent School Counselor certificate must meet the requirements for the Permanent School Counselor certificate prior to February 2, 2023 or while under a Provisional School Counselor certificate that was in effect after such date.

The amendment does not impose any new recordkeeping or other compliance requirements and will not have an adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not affect small businesses or local governments, no further steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

## *Rural Area Flexibility Analysis*

### 1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed amendment applies to all higher education institutions 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:

At its May 2017 meeting, the Board of Regents established new Initial and Professional School Counselor certificates and the registration requirements for school counselor programs that lead to the new Initial and Professional School Counselor certificates. These Initial and Professional School Counselor certificates will first be issued on February 2, 2023. Candidates must apply and qualify for the current Provisional School Counselor certificate prior to February 2, 2023.

At present, candidates who have an expired Provisional School Counselor certificate and apply for a Permanent School Counselor certificate prior to February 2, 2023 must meet all requirements for the Permanent certificate while their Provisional certificate was valid. This works to the disadvantage of those candidates who are unable to meet the requirements for a Permanent School Counselor certificate prior to the expiration of their Provisional certificate.

Thus, the Department proposes allowing those candidates who have an expired Provisional School Counselor certificate and apply for a Permanent School Counselor certificate prior to February 2, 2023 to have the flexibility to meet the Permanent School Counselor certificate requirements until such date, regardless of whether their Provisional certificate was in effect when all requirements were met. This change would make the Permanent School Counselor certificate requirements consistent with the Permanent certificate requirements in other pupil personnel services



certificate titles (e.g., School Psychologist) where candidates who have an expired Provisional certificate are not required to meet the Permanent certificate requirements while their Provisional certificate is in effect.

Additionally, the Department proposes to clarify that candidates who hold a valid Provisional School Counselor certificate and apply for a Permanent School Counselor certificate must meet the requirements for the Permanent School Counselor certificate prior to February 2, 2023 or while under a Provisional School Counselor certificate that was in effect after such date.

These recommendations will provide appropriate flexibility to qualified candidates, especially given the important role of school counselors who are working with children that are having difficulty coping with the COVID-19 pandemic.

**3. COSTS:**

The proposed amendment will enable candidates to qualified candidates and/or the New York State school districts or BOCES.

**4. MINIMIZING ADVERSE IMPACT:**

The proposed amendment will enable candidates who have an expired Provisional School Counselor certificate to apply for a Permanent School Counselor certificate prior to February 2, 2023 in order to have the flexibility to meet the Permanent School Counselor certificate requirements until such date, regardless of whether their Provisional certificate was in effect when all requirements were met. Additionally, the proposed rule clarifies that candidates who hold a valid Provisional School Counselor certificate and apply for a Permanent School Counselor certificate must meet the requirements for the Permanent School Counselor certificate prior to February 2, 2023 or while under a Provisional School Counselor certificate that was in effect after such date. No alternatives were considered for those institutions located in rural areas of the State.

**5. RURAL AREA PARTICIPATION:**

Copies of the proposed amendments have been provided to the New York Association of Colleges for Teacher Education for review and comment.

**Job Impact Statement**

The purpose of the proposed amendment to sections 80-2.1 and 80-3.1 of the Regulations of the Commissioner of Education relating to Permanent School Counselor certificate requirements is to allow those candidates who have an expired Provisional School Counselor certificate to apply for a Permanent School Counselor certificate prior to February 2, 2023 in order to have the flexibility to meet the Permanent School Counselor certificate requirements until such date, regardless of whether their Provisional certificate was in effect when all requirements were met. Additionally, the proposed rule clarifies that candidates who hold a valid Provisional School Counselor certificate and apply for a Permanent School Counselor certificate must meet the requirements for the Permanent School Counselor certificate prior to February 2, 2023 or while under a Provisional School Counselor certificate that was in effect after such date. Because it is evident from the nature of the proposed amendment that it will have no impact on the existing number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

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

**Extending the Instructional Hour COVID-19 Waiver to the 2021-22 School Year**

**I.D. No.** EDU-25-21-00015-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 175.5 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 1704, 3602 and 3604

**Subject:** Extending the Instructional Hour COVID-19 Waiver to the 2021-22 School Year.

**Purpose:** To provide additional regulatory flexibility by extending the instructional hour COVID-19 waiver to the 2021-22 school year.

**Text of proposed rule:** 1. Subdivision (n) of section 175.5 of the Regulations of the Commissioner of Education are amended to read as follows:

(n) COVID-19 Executive Order(s) and Waivers [for the 2019-20 and 2020-21 school years].

(1) Any day that a school is closed in the 2019-20 school year and the 180-day requirement set forth in subdivision (c) of this section is waived pursuant to an Executive Order(s) of the Governor pursuant to the State of emergency for the COVID-19 crisis or pursuant to Education Law

§ 3604[(8)](7), as amended by Chapter 107 of the Laws of 2020, will satisfy the requirements for a waiver of the usually required reduction in monies payable to school districts under Education Law § 3604 in accordance with the terms of such Executive Order(s).

(2) For the 2019-20 [and], 2020-21, and 2021-22 school years, notwithstanding any other provision of this section to the contrary, any school district may be eligible for a waiver from the annual instructional hour requirement set forth in subdivision (c) of this section if the district is unable to meet such requirement as a result of an Executive Order(s) of the Governor pursuant to the State of emergency declared for the COVID-19 crisis, or pursuant to Education Law § 3604(7), as amended by Chapter 107 of the Laws of 2020, or reopening procedures implemented as a result of the COVID-19 crisis, provided that such district meets the requirements outlined in subparagraphs (i) and (iii) of paragraph (1) of subdivision (m) of this section.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

**Data, views or arguments may be submitted to:** Sean Giambattista, Director of Education Finance, NYS Education Department, Office of Education Finance, 89 Washington Avenue, Room 145EB, Albany, NY 12234, (518) 486-2258, email: REGCOMMENTS@nysed.gov

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

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

**Regulatory Impact Statement**

**1. STATUTORY AUTHORITY:**

Education law § 101 continues existence of Education Department, with Board of Regents as its head, and authorizes Regents to appoint Commissioner of Education as Department’s Chief Administrative Officer, which is charged with general management and supervision of all public schools and educational work of State.

Education Law § 207 (not subdivided) empowers Regents and Commissioner to adopt rules and regulations to carry out State education laws and functions and duties conferred on the Department.

Education Law § 1704(1) prohibits school districts from expending funds at a rate which will exhaust the amount appropriated prior to the conclusion of the period or the completion of the purpose for which such funds were appropriated.

Education Law § 1704(2) provides that no board of education shall provide for a school year consisting of fewer than one hundred eighty days of school.

Education Law § 1709 enumerates the powers and duties of boards of education of union free school districts.

Education Law § 3602 provides for the apportionment of public moneys to school districts employing eight or more teachers.

Education Law § 3604 enumerates conditions under which districts are entitled to apportionment of state funds.

**2. LEGISLATIVE OBJECTIVES:**

The proposed amendment is consistent with the above statutory authority and is necessary to provide additional regulatory flexibility in response to the COVID-19 crisis by extending the availability of the COVID-19 instructional hour waiver through the 2021-22 school year and to make a technical correction to a reference in the Education Law.

**3. NEEDS AND BENEFITS:**

At its February meeting, the Board of Regents voted to permanently adopt amendments to section 175.5 of the Commissioner’s regulations to provide that, for the 2019-2020 and 2020-2021 school years, school districts may be eligible for a waiver of the annual instructional hour requirement if they are unable to meet such requirement due to an Executive Order(s) of the Governor pursuant to the State of emergency declared for the COVID-19 crisis, or pursuant to Education Law § 3604(8), or due to reopening procedures implemented as a result of the COVID-19 crisis, so long as the district meets certain prescribed requirements.

Due to the ongoing pandemic and shifting guidelines from public health officials, the Department now proposes to amend section 175.5(n) of the Commissioner’s regulations to extend the availability of these waivers through the 2021-2022 school year. Additionally, the Department proposes to make a technical correction to such section to replace the reference to Education Law § 3604(8) with a reference to Education Law § 3604(7).

**4. COSTS:**

(a) Costs to State government: There are no additional costs to State government.

(b) Costs to local government: There are no additional costs to local government.

(c) Cost to private regulated parties: The proposed amendment does not impose any additional costs on regulated parties.

(d) Cost to the regulatory agency: There are no additional costs to the State Education Department.

**5. LOCAL GOVERNMENT MANDATES:**

The proposed amendment does not impose any program, service, duty, or responsibility on local governments beyond those imposed by State and federal statutes.

**6. PAPERWORK:**

The proposed rule imposes no new reporting requirements or other paperwork requirements.

**7. DUPLICATION:**

The proposed amendment does not duplicate any other existing State or Federal requirements.

**8. ALTERNATIVES:**

The proposed amendment is necessary to provide additional regulatory flexibility in response to the COVID-19 crisis by extending the availability of the COVID-19 instructional hour waiver through the 2021-22 school year and to make a technical correction to a reference in the Education Law. There are no significant alternatives to the proposed amendment and none were considered.

**9. FEDERAL STANDARDS:**

There are no applicable Federal standards.

**10. COMPLIANCE SCHEDULE:**

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2021 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the September 2021 meeting, the proposed amendment will become effective on September 29, 2021. It is anticipated that the regulated parties will be able to comply with the proposed amendment by the effective date.

**Regulatory Flexibility Analysis**

(a) Small Businesses: The purpose of the proposed rule is to provide additional regulatory flexibility in response to the COVID-19 crisis by extending the availability of the COVID-19 instructional hour waiver through the 2021-22 school year and to make a technical correction to a reference in the Education Law.

The proposed rule does not impose any adverse economic impact, reporting, record keeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local Governments:

**1. EFFECT OF RULE:**

The purpose of the proposed rule is to provide additional regulatory flexibility in response to the COVID-19 crisis by extending the availability of the COVID-19 instructional hour waiver through the 2021-22 school year and to make a technical correction to a reference in the Education Law. The proposed rule applies to each of the 731 public school districts in the State.

**2. COMPLIANCE REQUIREMENTS:**

At its February meeting, the Board of Regents voted to permanently adopt amendments to section 175.5 of the Commissioner's regulations to provide that, for the 2019-2020 and 2020-2021 school years, school districts may be eligible for a waiver of the annual instructional hour requirement if they are unable to meet such requirement due to an Executive Order(s) of the Governor pursuant to the State of emergency declared for the COVID-19 crisis, or pursuant to Education Law § 3604(8), or due to reopening procedures implemented as a result of the COVID-19 crisis, so long as the district meets certain prescribed requirements.

Due to the ongoing pandemic and shifting guidelines from public health officials, the Department now proposes to amend section 175.5(n) of the Commissioner's regulations to extend the availability of these waivers through the 2021-2022 school year. Additionally, the Department proposes to make a technical correction to such section to replace the reference to Education Law § 3604(8) with a reference to Education Law § 3604(7).

**3. PROFESSIONAL SERVICES:**

The proposed rule does not impose any additional professional service requirements on local governments.

**4. COMPLIANCE COSTS:**

The proposed rule does not impose any costs beyond those imposed by State and federal statutes.

**5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:**

The proposed rule does not impose any additional technological requirements on school districts. Economic feasibility is addressed under the Compliance Costs section above.

**6. MINIMIZING ADVERSE IMPACT:**

The proposed rule provides regulatory flexibility in response to the COVID-19 crisis by extending the availability of the COVID-19 instruc-

tional hour waiver through the 2021-22 school year and to make a technical correction to a reference in the Education Law. There are no significant alternatives to the proposed amendment and none were considered.

**7. LOCAL GOVERNMENT PARTICIPATION:**

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State and from the chief school officers of the five big city school districts.

**Rural Area Flexibility Analysis**

At its February meeting, the Board of Regents voted to permanently adopt amendments to section 175.5 of the Commissioner's regulations to provide that, for the 2019-2020 and 2020-2021 school years, school districts may be eligible for a waiver of the annual instructional hour requirement if they are unable to meet such requirement due to an Executive Order(s) of the Governor pursuant to the State of emergency declared for the COVID-19 crisis, or pursuant to Education Law § 3604(8), or due to reopening procedures implemented as a result of the COVID-19 crisis, so long as the district meets certain prescribed requirements.

Due to the ongoing pandemic and shifting guidelines from public health officials, the Department now proposes to amend section 175.5(n) of the Commissioner's regulations to extend the availability of these waivers through the 2021-2022 school year. Additionally, the Department proposes to make a technical correction to such section to replace the reference to Education Law § 3604(8) with a reference to Education Law § 3604(7).

Since the proposed amendment merely provides flexibility for certain regulatory requirements during the COVID-19 crisis, the proposed amendment does not adversely impact entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

**Job Impact Statement**

At its February meeting, the Board of Regents voted to permanently adopt amendments to section 175.5 of the Commissioner's regulations to provide that, for the 2019-2020 and 2020-2021 school years, school districts may be eligible for a waiver of the annual instructional hour requirement if they are unable to meet such requirement due to an Executive Order(s) of the Governor pursuant to the State of emergency declared for the COVID-19 crisis, or pursuant to Education Law § 3604(8), or due to reopening procedures implemented as a result of the COVID-19 crisis, so long as the district meets certain prescribed requirements.

Due to the ongoing pandemic and shifting guidelines from public health officials, the Department now proposes to amend section 175.5(n) of the Commissioner's regulations to extend the availability of these waivers through the 2021-2022 school year. Additionally, the Department proposes to make a technical correction to such section to replace the reference to Education Law § 3604(8) with a reference to Education Law § 3604(7).

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

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

**Mandatory Peer Review Program in the Profession of Public Accountancy**

**I.D. No.** EDU-25-21-00016-P

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

**Proposed Action:** Addition of section 29.10(j); amendment of section 70.10 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207, 6504, 6507, 6509, 7408 and 7410

**Subject:** Mandatory Peer Review Program in the Profession of Public Accountancy.

**Purpose:** To conform the to the national peer review program standards to enhance enforcement efforts to help ensure the quality of attest services provided by New York public accounting firms.

**Substance of proposed rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>):** The Department proposes to amend section 29.10 of the Rules of the Board of Regents and section 70.10 of the Regulations of the Commissioner of Education relating to the mandatory peer review program in the profession of public accountancy. The proposed amendment is necessary to conform the Regents Rules and Commissioner's regulations to the national peer

review program standards and enhance the enforcement efforts to help ensure the quality of attest services provided by New York public accounting firms.

The proposed amendment to section 70.10 of the Commissioner's regulations conforms such to the national American Institute of Certified Public Accountants (AICPA) Standards for Performing and Reporting Peer Reviews by clarifying definitions and terms, including the requirements for the sponsoring organization and the administering entities; prohibiting members of the Peer Review Oversight Committee (PROC) from also serving as members of the administering entity peer review committee; adding peer reviewer training, including the team and review captain; eliminating the retention requirements; and eliminating equivalent peer review programs. The proposed amendment also clarifies that firms that obtain and inspection by the Public Company Accounting Oversight Board must participate in the mandatory peer review program and have their inspection reports monitored by the PROCs. The proposed amendment further requires firms to submit additional peer review information to the Department, which includes enrollment and extension letters.

Additionally, the proposed amendment adds a new subdivision (j) to section 291.0 of the Rules of the Board of Regents by adding a clear definition of unprofessional conduct as it relates to the peer review program for registered public accounting firms. Currently, "unprofessional conduct" is not defined in the relation to certified public accountants (CPAs) and certified public accountancy (CPA) firms that do not comply with peer review standards. CPAs and CPA firms are only found to have committed unprofessional misconduct if the Office of Professional Discipline (OPD) can demonstrate that their failure to comply with some or all of the peer review programs' requirements was willful or grossly negligent. The proposed amendment defines unprofessional conduct as: (1) failure of a firm to cooperate with the peer review process as determined by either the administering entity, sponsoring organization, or the PROC at any point in the process; (2) making a false, fraudulent, misleading or deceptive statement, as part of, or in support of, a firm's peer review reporting; (3) a firm's termination or expulsion for any reason by the sponsoring organization, from the peer review program, in accordance with the AICPA Standards for Performing and Reporting on Peer Reviews; (4) failure of a firm and its licensees to follow the peer review process and complete any remedial actions required by the administering entity; or (5) failure of a firm to provide access to its peer review information, as required by section 70.10(j) of the Commissioner's regulations. Thus, the willful or grossly negligent standard will no longer apply to cases involving allegedly unprofessional conduct with respect to the requirements of the peer review program prescribed in regulation.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

**Data, views or arguments may be submitted to:** Sarah S. Benson, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor EB, West Wing, Albany, NY 12234, (518) 486-1727, email: REGCOMMENTS@nysed.gov

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

#### **Regulatory Impact Statement**

##### **1. STATUTORY AUTHORITY:**

Section 207 of the Education Law grants general rule making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise admission to and regulation of the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Subdivision (9) of section 6509 of the Education Law authorizes the Board of Regents to define unprofessional conduct in the professions.

Paragraph (c) of subdivision (3) of section 7408 authorizes the Board of Regents to take disciplinary action against public accounting firms for engaging in unprofessional conduct.

Section 7410 of the Education Law establishes the requirements for the mandatory peer review program in the profession of public accountancy and authorizes the Commissioner of Education to promulgate regulations to establish the mandatory peer review of public accounting firms' attest services.

##### **2. LEGISLATIVE OBJECTIVES:**

The proposed amendment carries out the legislative intent of the aforementioned statutes that the Board of Regents and the Department regulate the practice of the professions, including establishing standards for the mandatory peer review program in the profession of public accountancy and unprofessional conduct standards for the violation of the mandatory peer review program requirements.

Pursuant to section 7410 of the Education Law, registered public accounting firms are required to undergo a peer review of the firm's attest services every three years. A firm that is subject to the mandatory peer review requirements must provide the Department with a copy of the report for an acceptable quality review conducted within the prior three years, each time the firm registers. The Peer Review Oversight Committee (PROC) is responsible for overseeing this program on behalf of the Department. The PROC is a committee comprised of six members, five of whom are required to be certified public accountants. The PROC is separate from the State Board for Public Accountancy (Board). The PROC reports annually to the Board and the Department on its monitoring activities and issues related to the peer review program. Additionally, the PROC regularly monitors the status of all firms enrolled into the peer review program.

Section 70.10 of the Commissioner's regulations and section 29.10 of the Rules of the Board of Regents (Regents Rules) were last amended in 2018 to conform to the amendments made by Chapter 364 of the Laws of 2017 to the Education Law. Currently, section 70.10 of the Commissioner's regulations sets forth the rules for the mandatory peer review program for the profession of public accountancy, which include provisions on the PROC, requirements of public accountancy firms participation in the program, requirements for peer reviewers, and the overall administration of the program. As the national peer review standards continue to evolve, the current provisions do not provide the Board of Regents and/or the Department with sufficient flexibility to easily implement changes that occur with the peer review program on a national level, without having to amend the regulation each time any such changes occur. Presently, section 70.10 of the Commissioner's regulations allows the PROC to refer cases of alleged unprofessional conduct to the Department's Office of Professional Discipline (OPD). However, except for the competency of certified public accountant (CPAs) when performing attest services, section 29.10 of the Regents Rules does not define unprofessional conduct relating to the peer review program. As discussed below, the proposed amendment to section 70.10 of the Commissioner's regulations and section 29.10 of the Regents Rules is designed, in part, to provide the Department with flexibility in implementing and adapting to changes in national standards relating to the peer review program. It also defines the standards that relate to unprofessional conduct with respect to the mandatory peer review program; this will improve the Board of Regents' and the Department's ability to enforce these standards.

The American Institute of Certified Public Accountants (AICPA) has adopted the Standards for Performing and Reporting on Peer Reviews (Standards) to establish the national requirements for the practice monitoring of public accountancy firms that provide accounting and attest services. These national standards are integral in the mandatory peer review program for the profession of public accountancy. The proposed amendment to section 70.10 of the Commissioner's regulations conforms to the Standards by clarifying definitions and terms, including the requirements for the sponsoring organization and the administering entities; prohibiting members of the PROC from also serving as members of the administering entity peer review committee; adding peer reviewer training, including the team and review captain; eliminating the retention requirements; and eliminating equivalent peer review programs. The proposed amendment also clarifies that firms that obtain an inspection by the Public Company Accounting Oversight Board must participate in the mandatory peer review program and have their inspection reports monitored by the PROC. The proposed amendment further requires firms to submit additional peer review information to the Department, which includes enrollment and extension letters.

The Standards establish the framework that CPAs and CPA firms are expected to comply regarding peer review standards. When CPA firms do not comply with this mandated program, the firm is putting the public at risk by conducting attest services that are not in compliance with professional standards. While the AICPA currently encourages a robust enforcement system and refers enforcement matters to the State Board for Public Accountancy, the absence of supporting rules defining unprofessional conduct results in enforcement efforts that are often challenging and lengthy.

Since "unprofessional conduct" is not defined in this specific context, CPAs and CPA firms are only found to have committed unprofessional conduct if OPD can demonstrate that their failure to comply with some or all of the peer review program's requirements was willful or grossly negligent. This demanding standard can be a challenging standard to meet, which impedes the Board of Regents' ability to impose discipline on CPAs and CPA firms that have repeatedly failed to comply with the peer review program requirements.

The regulation proposed herein seeks to solve this problem. This means that the willful or grossly negligent standard will no longer apply to cases involving allegedly unprofessional conduct with respect to the requirements of the peer review program prescribed in regulation. The proposed

amendment to section 29.10 of the Regents Rules, among other things, indicates that noncooperation with, or termination/expulsion from, the peer review program in accordance with the Standards constitutes unprofessional conduct irrespective of whether such conduct was willful or grossly negligent. The proposed amendment also defines unprofessional conduct for firms that fail to comply with the administering entity's remediation plan and when a firm fails to submit the required peer review documents to the Department.

### 3. NEEDS AND BENEFITS:

The purpose of the proposed amendments to section 70.10 of the Commissioner's regulations and section 29.10 of the Regents Rules is to conform to the national peer review program standards and enhance the enforcement efforts to help ensure the quality of attest services provided by New York public accounting firms.

4. COSTS: It imposes no costs on the State or local governments or the regulatory agency.

(a) Costs to State government. There are no additional costs to State government.

(b) Costs to local government. There are no additional costs to local government.

(c) Costs to private regulated parties. The proposed amendment does not impose any additional costs on regulated parties beyond those imposed by statute. Education Law section 7410 requires all registered CPA firms to undergo a peer review of the firm's attest services every three years. These firms must provide the Department with a copy of the report for an acceptable peer review conducted within the prior three years, each time the firm registers. Firms are enrolled in the AICPA peer review program, which is either administered by the national peer review committee or another administering entity/sponsoring organization. In New York State, the peer review program is administered by a Department approved sponsoring organization. A sponsoring organization administers the program by overseeing and facilitating peer reviews by a reviewer in accordance with the statutory requirements as well as the requirements of section 70.10 of the Commissioner's regulations. The CPA will incur costs related to their required participation in the mandatory peer review program, including sponsoring organization mandatory peer review program enrollment fees and fees charged by the peer reviewer to complete the mandatory peer review. These fees are not set by the Department and, based on information and belief, these fees are not made public and may vary, based on, among other things, the size of the firm. Thus, these firms' costs of complying with the requirements cannot be estimated by the Department.

(d) Costs to the regulatory agency. There are no additional costs to the State Education Department.

### 5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any program, service, duty, or responsibility upon local governments.

### 6. PAPERWORK:

The proposed amendment subjects all CPA firms to the same mandatory peer review reporting or other paperwork requirements, including utilizing the national peer review integrated management application system. However, in conducting required reviews, the peer reviewer will be reviewing these firms' existing workpapers and reports for audit and attestation engagements.

### 7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or federal requirements.

### 8. ALTERNATIVES:

The proposed amendment is necessary to conform section 70.10 of the Commissioner's regulations and section 29.10 of the Regents Rules to the national peer review program standards and enhance the enforcement efforts to help ensure the quality of attest services provided by New York public accounting firms. There are no significant alternatives to the proposed amendment and none were considered.

### 9. FEDERAL STANDARDS:

There are numerous Federal standards that require a public accounting firm that performs attest services to be enrolled into a peer review program; however, the Federal government does not issue accounting firm licenses. The Federal government does not regulate the firm registration requirements for public accounting firms. There are applicable federal standards pertaining to the requirement that the firm be enrolled in a peer review program; however, the proposed amendment does not exceed any minimum federal standards for the same or similar subject areas pertaining to the sponsoring organization requirements.

### 10. COMPLIANCE SCHEDULE:

It is anticipated that the regulated parties will be able to comply with the proposed amendments by the effective date.

### *Regulatory Flexibility Analysis*

The purpose of the proposed amendment is to conform section 29.10 of the Regents Rules and section 70.10 of the Commissioner's regulations to the national peer review program standards in profession of public ac-

countancy and enhances the enforcement efforts to help ensure the quality of attest services provided by New York public accounting firms.

Pursuant to section 7410 of the Education Law, registered public accounting firms are required to undergo a peer review of the firm's attest services every three years. A firm that is subject to the mandatory peer review requirements must provide the Department with a copy of the report for an acceptable quality review conducted within the prior three years, each time the firm registers. The Peer Review Oversight Committee (PROC) is responsible for overseeing this program on behalf of the Department. The PROC is a committee comprised of six members, five of whom are required to be certified public accountants. The PROC is separate from the State Board for Public Accountancy (Board). The PROC reports annually to the Board and the Department on its monitoring activities and issues related to the peer review program. Additionally, the PROC regularly monitors the status of all firms enrolled into the peer review program.

Section 70.10 of the Commissioner's regulations and section 29.10 of the Rules of the Board of Regents (Regents Rules) were last amended in 2018 to conform to the amendments made by Chapter 364 of the Laws of 2017 to the Education Law. Currently, section 70.10 of the Commissioner's regulations sets forth the rules for the mandatory peer review program for the profession of public accountancy, which include provisions on the PROC, requirements of public accountancy firms participation in the program, requirements for peer reviewers, and the overall administration of the program. As the national peer review standards continue to evolve, the current provisions do not provide the Board of Regents and/or the Department with sufficient flexibility to easily implement changes that occur with the peer review program on a national level, without having to amend the regulation each time any such changes occur. Presently, section 70.10 of the Commissioner's regulations allows the PROC to refer cases of alleged unprofessional conduct to the Department's Office of Professional Discipline (OPD). However, except for the competency of certified public accountant (CPAs) when performing attest services, section 29.10 of the Regents Rules does not define unprofessional conduct relating to the peer review program. As discussed below, the proposed amendment to section 70.10 of the Commissioner's regulations and section 29.10 of the Regents Rules is designed, in part, to provide the Department with flexibility in implementing and adapting to changes in national standards relating to the peer review program. It also defines the standards that relate to unprofessional conduct with respect to the mandatory peer review program; this will improve the Board of Regents' and the Department's ability to enforce these standards.

The American Institute of Certified Public Accountants (AICPA) has adopted the Standards for Performing and Reporting on Peer Reviews (Standards) to establish the national requirements for the practice monitoring of public accountancy firms that provide accounting and attest services. These national standards are integral in the mandatory peer review program for the profession of public accountancy. The proposed amendment to section 70.10 of the Commissioner's regulations conforms to the Standards by clarifying definitions and terms, including the requirements for the sponsoring organization and the administering entities; prohibiting members of the PROC from also serving as members of the administering entity peer review committee; adding peer reviewer training, including the team and review captain; eliminating the retention requirements; and eliminating equivalent peer review programs. The proposed amendment also clarifies that firms that obtain an inspection by the Public Company Accounting Oversight Board must participate in the mandatory peer review program and have their inspection reports monitored by the PROC. The proposed amendment further requires firms to submit additional peer review information to the Department, which includes enrollment and extension letters.

The Standards establish the framework that CPAs and CPA firms are expected to comply regarding peer review standards. When CPA firms do not comply with this mandated program, the firm is putting the public at risk by conducting attest services that are not in compliance with professional standards. While the AICPA currently encourages a robust enforcement system and refers enforcement matters to the State Board for Public Accountancy, the absence of supporting rules defining unprofessional conduct results in enforcement efforts that are often challenging and lengthy.

Since "unprofessional conduct" is not defined in this specific context, CPAs and CPA firms are only found to have committed unprofessional conduct if OPD can demonstrate that their failure to comply with some or all of the peer review program's requirements was willful or grossly negligent. This demanding standard can be a challenging standard to meet, which impedes the Board of Regents' ability to impose discipline on CPAs and CPA firms that have repeatedly failed to comply with the peer review program requirements.

The regulation proposed herein seeks to solve this problem. This means that the willful or grossly negligent standard will no longer apply to cases

involving allegedly unprofessional conduct with respect to the requirements of the peer review program prescribed in regulation. The proposed amendment to section 29.10 of the Regents Rules, among other things, indicates that noncooperation with, or termination/expulsion from, the peer review program in accordance with the Standards constitutes unprofessional conduct irrespective of whether such conduct was willful or grossly negligent. The proposed amendment also defines unprofessional conduct for firms that fail to comply with the administering entity's remediation plan and when a firm fails to submit the required peer review documents to the Department.

The proposed amendment will not impose any reporting, recordkeeping, or other compliance requirements or costs, or have an adverse impact, on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

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

The proposed rule is necessary to conform section 29.10 of the Regents Rules and section 70.10 of the Commissioner's regulations to the national peer review program standards in profession of public accountancy and enhance the enforcement efforts to help ensure the quality of attest services provided by New York public accounting firms.

The proposed amendment subjects all public accounting firms to the same mandatory peer review requirements and unprofessional conduct provisions for failure to comply with the mandatory peer review requirements. The national mandatory peer review requirements and the Education Law do not provide any exceptions from the mandatory peer review requirements for any firms located in rural areas. Thus, the proposed amendment does not impact entities in rural areas of New York State because all public accounting firms in this State have to comply with the same mandatory peer requirements and are subject to the same unprofessional conduct provisions if they fail to do so. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

#### **Job Impact Statement**

It is not anticipated that the proposed rule will impact jobs or employment opportunities. This is because the proposed amendment merely conforms section 29.10 of the Regents Rules and section 70.10 of the Commissioner's regulations to the national peer review program standards in profession of public accountancy and enhances the enforcement efforts to help ensure the quality of attest services provided by New York public accounting firms.

The proposed amendment will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed amendment that it will have no impact on jobs or employment opportunities attributable to its adoption 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.

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

### **Financial Viability, Accountability, and Evaluating Academic Progress in Licensed Private Career Schools and Certified ESL Schools**

**I.D. No.** EDU-25-21-00017-P

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

**Proposed Action:** Amendment of Part 126 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207, 305 and 5001 through 5010

**Subject:** Financial Viability, Accountability, and Evaluating Academic Progress in Licensed Private Career Schools and Certified ESL Schools.

**Purpose:** To establish standards of financial viability, accountability, and evaluating academic progress in licensed private career schools and certified English as a second language schools.

**Substance of proposed rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>):** The proposed amendment to Part 126 of the Regulations of the Commissioner of Education relates to standards of financial viability, accountability, and evaluation the academic progress in licensed private career schools and

certified English as a second language schools. A summary of the proposed amendments is as follows:

Satisfactory Academic Progress (§ 126.4(e)(2))

Current regulations require that schools perform satisfactory academic progress (SAP) evaluations of students but do not specify when, or how often, they must be performed. For example, under current rule, a school might allow students to go through 450 hours out of a 900-hour program before they receive a SAP evaluation, and only receive a second evaluation at the end of the program. The proposed amendment to 126.4(e)(2):

- Ensures that students receive early and frequent feedback related to their academic progress by generally requiring SAP evaluations at the midpoint and endpoint of each quarter or term;
- Clarifies minimum attendance and grade requirements for academic progress and graduation; and
- Creates an early warning provision, where schools must notify students who are not meeting academic or attendance requirements.

Standard of Financial Viability (§ 126.8)

Current law and regulation require licensed private career schools to submit annual financial statements. The Department must review and analyze the financial viability of schools based on these filings. In addition, the Department may take measures to protect student tuition dollars, such as probation or requiring schools with low financial viability to establish a performance bond in the event of a school closure. The field will benefit from a better understanding of the process by which the Department will analyze financial viability or implement probation and other corrective interventions.

The proposed amendment creates a transparent framework and process for assessing the financial viability of all licensed private career schools and certified ESL schools. The framework is adapted from the United States Department of Education's system of evaluating the financial viability of postsecondary schools. The Department's Office of Higher Education utilizes portions of this framework in analyzing the financial viability of colleges and universities. It was also utilized by the OSC in its recent program audit of BPSS.

Additionally, current regulation requires certified ESL schools to submit an annual "statement of revenue" as opposed to audited financial statements. However, it is not possible to accurately evaluate the financial viability of schools based on a "statement of revenue." Indeed, over the past several years, several certified ESL schools have abruptly shut down due to financial issues that the Department was unable to foresee through reviewing such statements. OSC also identified this limitation in the Department's current process and the attendant risks to students in its program audit of BPSS. As a solution, the proposed amendment repeals the current section 126.8 of the Commissioner's regulations and adds a new section 126.8 which:

- Establishes clear criteria for assessing the financial viability of schools: schools will be considered financially viable if: (i) the schools' equity, primary reserve and net income ratios yield a composite score of at least 1.5; and (ii) the school is able to meet all of its financial obligations and provide the administrative resources necessary to comply with all licensure or certification requirements.
- Identifies triggering events that may indicate financial viability concerns. Schools must notify the Department within five days of any such triggering event.
- Establishes alternative standards of financial viability. A school that is determined not to be financially viable may be eligible to continue operation by meeting one of the following alternate standards:

■ **Zone alternative.** A school that does not meet the general standards of financial viability solely because the composite score falls below 1.5 will be eligible for the zone alternative if its composite score falls between 1.0 and 1.4.

■ **Probation.** A school that does not meet the general standards of financial viability and does not qualify for the zone alternative may be placed on probation. By the conclusion of the probationary period, the school must demonstrate that it is financially viable by meeting one or more alternative methods demonstrating financial viability. If the school cannot, and the Commissioner determines that the school's financial condition continues to threaten its ability to educate students and/or jeopardize student tuition funds, the Department shall schedule a hearing that may result in suspension or revocation of the school's license.

• Provides that the commissioner may deny, suspend, revoke or decline to renew any license or certification if the commissioner determines that a schools' financial condition may result in the interruption or cessation of instruction or jeopardize student tuition funds pursuant to Education Law § 5001(5)(c)(3).

• Establishes financial reporting requirements for initial and renewal licensure or certification applications, including the submission of audited financial statements, and requires schools to submit annual financial statements. Previously such requirements only applied to licensed private career schools; the proposed amendment expands such requirements to include certified ESL schools.

## School Accountability (§ 126.19)

Current law and regulation require licensed private career schools to submit annual statistical data reports that include information on enrollment, completion, and job-placement data. Although annual data reporting is a core element of school supervision, the current data has limited utility given the lack of clearly-defined data elements and standardized definitions for completion and job-placement rates. In addition, as OSC recognized in its program audit, certified ESL schools are not currently required to submit any data reports. The proposed section 126.19:

- Establishes clearly defined data elements to standardize data collection across schools.
- Establishes standardized definitions for “completion rate” and “job-placement rate.”
- Requires both licensed private career schools and certified ESL schools to submit annual statistical data reports.
- Requires schools to report key summary data in their catalogs and promotional materials.
- Permits the commissioner to establish a school data report system on the Department’s website that includes data determined to be useful for consumers to make informed decisions about whether they should attend a licensed or certified school.

## Student Social Security Numbers on Enrollment Agreements (§ 126.7(b)(5))

Current regulation requires student social security numbers to be included on student enrollment agreements, which are jointly signed by a student and school agent. A student’s social security number is highly confidential, and there are other ways to validate students’ identity without including such information on enrollment agreements. The proposed amendment eliminates this requirement, thus providing better data privacy for students.

## Required 30-day Notice Prior to School Closure (§ 126.11(c))

Subdivision (c) of section 126.11 of Regulations of the Commissioner requires licensed private career schools to provide the Department with at least 30 days’ notice prior to a school’s closure. This notice helps to ensure that a plan is in place for displaced students and for the maintenance of student records. However, no such regulation exists for certified ESL schools. There have been several cases over the past few years where certified ESL schools have provided minimal or no notice of closure. The proposed amendment closes this gap and ensures that ESL schools provide the same notice to the Department that licensed private career schools must provide.

## Prohibition from Enrolling New Students Upon a Denial of Licensure Renewal (§ 126.10(b))

When a school submits a timely and complete application for the renewal of its license to operate, regulation guides that the Department provide schools with a written approval or denial 30 days prior to the expiration of the school license. In the case of a denial, this 30-day notice provides time to teach-out or transition students and implement a plan for the permanent safe-keeping of student records. The proposed amendment ensures that schools do not enroll any students after such a denial but before expiration of its current license.

## Academic Standing and Counseling Records (§ 126.11(a))

The proposed amendment requires schools to maintain documentation of the academic standing evaluations and academic counseling in the student record.

## Technical Amendments (§ 126.10(j))

The proposed amendment makes technical revisions to subdivision (j) of section 126.10 of the Commissioner’s regulations to clarify that sections 126.8, 126.19, and 126.11(c) of the Commissioner’s regulations are applicable to certified ESL schools. Additionally, such section is amended to remove language that is now superfluous in light of the amendments to section 126.8 regarding financial reporting requirements for certified ESL schools.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

**Data, views or arguments may be submitted to:** Ceylana Meyers-Ruff, Deputy Commissioner, Office of Adult Career and Continuing Education Services, 89 Washington Avenue, Room 575EBA, Albany, NY 12234, (518) 474-2714, email: REGCOMMENTS@nysed.gov

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

**Regulatory Impact Statement**

## 1. STATUTORY AUTHORITY:

Education Law § 207 (not subdivided) empowers Regents and Commissioner to adopt rules and regulations to carry out State education laws and functions and duties conferred on the Department.

Education Law § 305(1) empowers the Commissioner of Education to

be the chief executive officer of the state system of education and authorizes the Commissioner to execute educational policies determined by the Regents.

Article 101 of the Education Law (sections 5001 through 5010 of the Education Law), authorizes the State Education Department to license and regulate non-degree granting proprietary schools consistent with the requirements in Article 101 of the Education Law.

## 2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to improve the Department’s Bureau of Proprietary School Supervision (BPSS) oversight of postsecondary career schools (licensed private career schools) and for-profit English as a second language schools (certified ESL schools) to maintain educational quality and protect students through the evaluation of schools’ financial viability, the collection and use of school data, and the evaluation of students’ academic progress.

## 3. NEEDS AND BENEFITS:

Article 101 of the New York State Education Law and Part 126 of the Regulations of the Commissioner provide standards and requirements for postsecondary career schools (licensed private career schools) and for-profit English as a second language schools (certified ESL schools) to operate in New York State. These standards and requirements maintain educational quality and protect students.

Schools licensed or certified under Part 126 are overseen by the Department’s Bureau of Proprietary School Supervision (BPSS). Over the past several years, BPSS has identified several areas in need of regulatory support, including the evaluation of schools’ financial viability, the collection and use of school data, and the evaluation of students’ academic progress. In 2020, the Office of the State Comptroller conducted an external audit of BPSS. The findings from the OSC audit reinforced BPSS’ analyses of Part 126, and the feedback and recommendations from OSC helped form the basis of the regulatory amendments proposed herein.

The Department believes that the proposed amendments will eliminate gaps in existing regulations, enhance the Department’s ability to provide quality school oversight, improve educational quality, and enhance consumer protection.

## Satisfactory Academic Progress (§ 126.4(e)(2))

Current regulations require that schools perform satisfactory academic progress (SAP) evaluations of students but do not specify when, or how often, they must be performed. The proposed amendment to 126.4(e)(2):

- Ensures that students receive early and frequent feedback related to their academic progress by generally requiring SAP evaluations at the midpoint and endpoint of each quarter or term;
- Clarifies minimum attendance and grade requirements for academic progress and graduation; and
- Creates an early warning provision, where schools must notify students who are not meeting academic or attendance requirements.

## Standard of Financial Viability (§ 126.8)

Current law and regulation require licensed private career schools to submit annual financial statements. The Department must review and analyze the financial viability of schools based on these filings. In addition, the Department may take measures to protect student tuition dollars, such as probation or requiring schools with low financial viability to establish a performance bond in the event of a school closure.

The proposed amendment creates a transparent framework and process for assessing the financial viability of all licensed private career schools and certified ESL schools. The framework is adapted from the United States Department of Education’s system of evaluating the financial viability of postsecondary schools.

Additionally, current regulation requires certified ESL schools to submit an annual “statement of revenue” as opposed to audited financial statements. However, it is not possible to accurately evaluate the financial viability of schools based on a “statement of revenue.” Over the past several years, several certified ESL schools have abruptly shut down due to financial issues that the Department was unable to foresee through reviewing such statements. OSC also identified this limitation in the Department’s current process and the attendant risks to students in its program audit of BPSS. As a solution, the proposed amendment repeals the current section 126.8 of the Commissioner’s regulations and adds a new section 126.8 which:

- Establishes clear criteria for assessing the financial viability of schools: schools will be considered financially viable if: (i) the schools’ equity, primary reserve and net income ratios yield a composite score of at least 1.5; and (ii) the school is able to meet all of its financial obligations and provide the administrative resources necessary to comply with all licensure or certification requirements.
- Identifies triggering events that may indicate financial viability concerns. Schools must notify the Department within five days of any such triggering event.
- Establishes alternative standards of financial viability. A school that is

determined not to be financially viable may be eligible to continue operation by meeting one of the following alternate standards:

■ **Zone alternative.** A school that does not meet the general standards of financial viability solely because the composite score falls below 1.5 will be eligible for the zone alternative if its composite score falls between 1.0 and 1.4.

■ **Probation.** A school that does not meet the general standards of financial viability and does not qualify for the zone alternative may be placed on probation. By the conclusion of the probationary period, the school must demonstrate that it is financially viable by meeting one or more alternative methods demonstrating financial viability. If the school cannot, and the Commissioner determines that the school's financial condition continues to threaten its ability to educate students and/or jeopardize student tuition funds, the Department shall schedule a hearing that may result in suspension or revocation of the school's license.

- Provides that the commissioner may deny, suspend, revoke or decline to renew any license or certification if the commissioner determines that a school's financial condition may result in the interruption or cessation of instruction or jeopardize student tuition funds pursuant to Education Law § 5001(5)(c)(3).

- Establishes financial reporting requirements for initial and renewal licensure or certification applications, including the submission of audited financial statements, and requires schools to submit annual financial statements. Previously such requirements only applied to licensed private career schools; the proposed amendment expands such requirements to include certified ESL schools.

#### School Accountability (§ 126.19)

Current law and regulation require licensed private career schools to submit annual statistical data reports that include information on enrollment, completion, and job-placement data. Although annual data reporting is a core element of school supervision, the current data has limited utility given the lack of clearly-defined data elements and standardized definitions for completion and job-placement rates. In addition, as OSC recognized in its program audit, certified ESL schools are not currently required to submit any data reports. The proposed section 126.19:

- Establishes clearly defined data elements to standardize data collection across schools.

- Establishes standardized definitions for "completion rate" and "job-placement rate."

- Requires both licensed private career schools and certified ESL schools to submit annual statistical data reports.

- Requires schools to report key summary data in their catalogs and promotional materials.

- Permits the commissioner to establish a school data report system on the Department's website that includes data determined to be useful for consumers to make informed decisions about whether they should attend a licensed or certified school.

#### Student Social Security Numbers on Enrollment Agreements (§ 126.7(b)(5))

Current regulation requires student social security numbers to be included on student enrollment agreements, which are jointly signed by a student and school agent. A student's social security number is highly confidential, and there are other ways to validate students' identity without including such information on enrollment agreements. The proposed amendment eliminates this requirement, thus providing better data privacy for students.

#### Required 30-day Notice Prior to School Closure (§ 126.11(c))

Subdivision (c) of section 126.11 of Regulations of the Commissioner requires licensed private career schools to provide the Department with at least 30 days' notice prior to a school's closure. This notice helps to ensure that a plan is in place for displaced students and for the maintenance of student records. However, no such regulation exists for certified ESL schools. There have been several cases over the past few years where certified ESL schools have provided minimal or no notice of closure. The proposed amendment closes this gap and ensures that ESL schools provide the same notice to the Department that licensed private career schools must provide.

#### Prohibition from Enrolling New Students Upon a Denial of Licensure Renewal (§ 126.10(b))

When a school submits a timely and complete application for the renewal of its license to operate, regulation guides that the Department provide schools with a written approval or denial 30 days prior to the expiration of the school license. In the case of a denial, this 30-day notice provides time to teach-out or transition students and implement a plan for the permanent safe-keeping of student records. The proposed amendment ensures that schools do not enroll any students after such a denial but before expiration of its current license.

#### Academic Standing and Counseling Records (§ 126.11(a))

The proposed amendment requires schools to maintain documentation of the academic standing evaluations and academic counseling in the student record.

#### 4. COSTS:

(a) **Costs to State government:** There are no additional costs to State government.

(b) **Costs to local government:** There are no additional costs to local government.

(c) **Cost to private regulated parties:** Schools that are placed on probation may be subject to an additional external audit. The costs of external audits may vary widely by the size and complexity of the organization. Due to the wide variation in size and complexity of schools, the Department is unable to estimate the costs of an additional audit.

(d) **Cost to the regulatory agency:** There are no additional costs to the State Education Department.

#### 5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any program, service, duty, or responsibility on local governments beyond those imposed by State and federal statutes.

#### 6. PAPERWORK:

Current law and regulation require licensed private career schools to submit annual statistical data reports that include information on enrollment, completion, and job-placement data, certified ESL Schools are not currently required to submit any data reports. The proposed rule:

- Establishes clearly defined data elements to standardize data collection across schools.

- Establishes standardized definitions for "completion rate" and "job-placement rate."

- Requires both licensed private career schools and certified ESL schools to submit annual statistical data reports.

- Requires schools to report key summary data in their catalogs and promotional materials.

- Permits the commissioner to establish a school data report system on the Department's website that includes data determined to be useful for consumers to make informed decisions about whether they should attend a licensed or certified school.

#### 7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or Federal requirements.

#### 8. ALTERNATIVES:

The proposed amendment is necessary to improve the Department's Bureau of Proprietary School Supervision (BPSS) oversight of postsecondary career schools (licensed private career schools) and for-profit English as a second language schools (certified ESL schools) to maintain educational quality and protect students through the evaluation of schools' financial viability, the collection and use of school data, and the evaluation of students' academic progress. There are no significant alternatives to the proposed amendment and none were considered.

#### 9. FEDERAL STANDARDS:

There are no applicable Federal standards.

#### 10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2021 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the September 2021 meeting, the proposed amendment will become effective on September 29, 2021. It is anticipated that the regulated parties will be able to comply with the proposed amendment by the effective date.

#### Regulatory Flexibility Analysis

##### (a) Small Businesses:

1. **EFFECT OF RULE:** This rule will affect all private, non-degree granting proprietary schools that seek to be licensed by the State Education Department pursuant to Article 101 of the Education Law. In addition, the rule will affect all certified English as a Second Language (ESL) schools, most of which are small businesses.

2. **COMPLIANCE REQUIREMENTS:** Article 101 of the New York State Education Law and Part 126 of the Regulations of the Commissioner provide standards and requirements for postsecondary career schools (licensed private career schools) and for-profit English as a second language schools (certified ESL schools) to operate in New York State. These standards and requirements maintain educational quality and protect students.

Schools licensed or certified under Part 126 are overseen by the Department's Bureau of Proprietary School Supervision (BPSS). Over the past several years, BPSS has identified several areas in need of regulatory support, including the evaluation of schools' financial viability, the collection and use of school data, and the evaluation of students' academic progress. In 2020, the Office of the State Comptroller conducted an external audit of BPSS. The findings from the OSC audit reinforced BPSS' analyses of Part 126, and the feedback and recommendations from OSC helped form the basis of the regulatory amendments proposed herein.

The Department believes that the proposed amendments will eliminate

gaps in existing regulations, enhance the Department's ability to provide quality school oversight, improve educational quality, and enhance consumer protection.

#### Satisfactory Academic Progress (§ 126.4(e)(2))

Current regulations require that schools perform satisfactory academic progress (SAP) evaluations of students but do not specify when, or how often, they must be performed. The proposed amendment to 126.4(e)(2):

- Ensures that students receive early and frequent feedback related to their academic progress by generally requiring SAP evaluations at the midpoint and endpoint of each quarter or term;
- Clarifies minimum attendance and grade requirements for academic progress and graduation; and
- Creates an early warning provision, where schools must notify students who are not meeting academic or attendance requirements.

#### Standard of Financial Viability (§ 126.8)

Current law and regulation require licensed private career schools to submit annual financial statements. The Department must review and analyze the financial viability of schools based on these filings. In addition, the Department may take measures to protect student tuition dollars, such as probation or requiring schools with low financial viability to establish a performance bond in the event of a school closure.

The proposed amendment creates a transparent framework and process for assessing the financial viability of all licensed private career schools and certified ESL schools. The framework is adapted from the United States Department of Education's system of evaluating the financial viability of postsecondary schools.

Additionally, current regulation requires certified ESL schools to submit an annual "statement of revenue" as opposed to audited financial statements. However, it is not possible to accurately evaluate the financial viability of schools based on a "statement of revenue." Over the past several years, several certified ESL schools have abruptly shut down due to financial issues that the Department was unable to foresee through reviewing such statements. OSC also identified this limitation in the Department's current process and the attendant risks to students in its program audit of BPSS. As a solution, the proposed amendment repeals the current section 126.8 of the Commissioner's regulations and adds a new section 126.8 which:

- Establishes clear criteria for assessing the financial viability of schools: schools will be considered financially viable if: (i) the schools' equity, primary reserve and net income ratios yield a composite score of at least 1.5; and (ii) the school is able to meet all of its financial obligations and provide the administrative resources necessary to comply with all licensure or certification requirements.

- Identifies triggering events that may indicate financial viability concerns. Schools must notify the Department within five days of any such triggering event.

• Establishes alternative standards of financial viability. A school that is determined not to be financially viable may be eligible to continue operation by meeting one of the following alternate standards:

■ **Zone alternative.** A school that does not meet the general standards of financial viability solely because the composite score falls below 1.5 will be eligible for the zone alternative if its composite score falls between 1.0 and 1.4.

■ **Probation.** A school that does not meet the general standards of financial viability and does not qualify for the zone alternative may be placed on probation. By the conclusion of the probationary period, the school must demonstrate that it is financially viable by meeting one or more alternative methods demonstrating financial viability. If the school cannot, and the Commissioner determines that the school's financial condition continues to threaten its ability to educate students and/or jeopardize student tuition funds, the Department shall schedule a hearing that may result in suspension or revocation of the school's license.

- Provides that the commissioner may deny, suspend, revoke or decline to renew any license or certification if the commissioner determines that a school's financial condition may result in the interruption or cessation of instruction or jeopardize student tuition funds pursuant to Education Law § 5001(5)(c)(3).

- Establishes financial reporting requirements for initial and renewal licensure or certification applications, including the submission of audited financial statements, and requires schools to submit annual financial statements. Previously such requirements only applied to licensed private career schools; the proposed amendment expands such requirements to include certified ESL schools.

#### School Accountability (§ 126.19)

Current law and regulation require licensed private career schools to submit annual statistical data reports that include information on enrollment, completion, and job-placement data. Although annual data reporting is a core element of school supervision, the current data has limited utility given the lack of clearly-defined data elements and standardized definitions for completion and job-placement rates. In addition, as OSC

recognized in its program audit, certified ESL schools are not currently required to submit any data reports. The proposed section 126.19:

- Establishes clearly defined data elements to standardize data collection across schools.
- Establishes standardized definitions for "completion rate" and "job-placement rate."
- Requires both licensed private career schools and certified ESL schools to submit annual statistical data reports.
- Requires schools to report key summary data in their catalogs and promotional materials.
- Permits the commissioner to establish a school data report system on the Department's website that includes data determined to be useful for consumers to make informed decisions about whether they should attend a licensed or certified school.

#### Student Social Security Numbers on Enrollment Agreements (§ 126.7(b)(5))

Current regulation requires student social security numbers to be included on student enrollment agreements, which are jointly signed by a student and school agent. A student's social security number is highly confidential, and there are other ways to validate students' identity without including such information on enrollment agreements. The proposed amendment eliminates this requirement, thus providing better data privacy for students.

#### Required 30-day Notice Prior to School Closure (§ 126.11(c))

Subdivision (c) of section 126.11 of Regulations of the Commissioner requires licensed private career schools to provide the Department with at least 30 days' notice prior to a school's closure. This notice helps to ensure that a plan is in place for displaced students and for the maintenance of student records. However, no such regulation exists for certified ESL schools. There have been several cases over the past few years where certified ESL schools have provided minimal or no notice of closure. The proposed amendment closes this gap and ensures that ESL schools provide the same notice to the Department that licensed private career schools must provide.

#### Prohibition from Enrolling New Students Upon a Denial of Licensure Renewal (§ 126.10(b))

When a school submits a timely and complete application for the renewal of its license to operate, regulation guides that the Department provide schools with a written approval or denial 30 days prior to the expiration of the school license. In the case of a denial, this 30-day notice provides time to teach-out or transition students and implement a plan for the permanent safe-keeping of student records. The proposed amendment ensures that schools do not enroll any students after such a denial but before expiration of its current license.

#### Academic Standing and Counseling Records (§ 126.11(a))

The proposed amendment requires schools to maintain documentation of the academic standing evaluations and academic counseling in the student record.

3. **PROFESSIONAL SERVICES:** The proposed rule provides that where a school is placed on probation, such school is required to submit reports on its financial condition as directed by the commissioner. The commissioner may require that this report be completed by an independent auditor.

4. **COMPLIANCE COSTS:** Schools that are placed on probation may be subject to an additional external audit. The costs of external audits may vary widely by the size and complexity of the organization. Due to the wide variation in size and complexity of schools, the Department is unable to estimate the costs of an additional audit.

5. **ECONOMIC AND TECHNOLOGICAL FEASIBILITY:** The proposed amendment does not impose any additional technological requirements on small businesses.

6. **MINIMIZING ADVERSE IMPACT:** The proposed amendment is necessary to improve the Department's Bureau of Proprietary School Supervision (BPSS) oversight of postsecondary career schools (licensed private career schools) and for-profit English as a second language schools (certified ESL schools) to maintain educational quality and protect students through the evaluation of schools' financial viability, the collection and use of school data, and the evaluation of students' academic progress. Because of the nature of the proposed rule, alternative approaches for small businesses were not considered.

7. **SMALL BUSINESS PARTICIPATION:** The State Education Department posted the proposed regulation on its website and will ask for comments from all interested parties, including representatives from non-degree granting proprietary schools that may represent small businesses. The State Education Department will also share the proposed regulations at upcoming meetings of the State's Advisory Council for Career Schools and will ask for comments from all interested parties in attendance including proprietary schools located in the rural areas of the State.

#### (b) Local Governments:

The proposed amendment relates to the licensure of private proprietary



schools. It is clear from the nature of the proposed amendment that it does not impose any adverse economic impact, reporting, recordkeeping or other compliance requirements on local governments. No further steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for local governments is not required and none has been prepared.

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

##### **1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:**

The proposed rule will apply to all rural areas, including the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less. This rule will apply to all licensed private career schools. Currently, there are more than 380 licensed, registered or certified schools. Of these, approximately 20 are located in a rural area of the state.

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

Article 101 of the New York State Education Law and Part 126 of the Regulations of the Commissioner provide standards and requirements for postsecondary career schools (licensed private career schools) and for-profit English as a second language schools (certified ESL schools) to operate in New York State. These standards and requirements maintain educational quality and protect students.

Schools licensed or certified under Part 126 are overseen by the Department's Bureau of Proprietary School Supervision (BPSS). Over the past several years, BPSS has identified several areas in need of regulatory support, including the evaluation of schools' financial viability, the collection and use of school data, and the evaluation of students' academic progress. In 2020, the Office of the State Comptroller conducted an external audit of BPSS. The findings from the OSC audit reinforced BPSS' analyses of Part 126, and the feedback and recommendations from OSC helped form the basis of the regulatory amendments proposed herein.

The Department believes that the proposed amendments will eliminate gaps in existing regulations, enhance the Department's ability to provide quality school oversight, improve educational quality, and enhance consumer protection.

##### **Satisfactory Academic Progress (§ 126.4(e)(2))**

Current regulations require that schools perform satisfactory academic progress (SAP) evaluations of students but do not specify when, or how often, they must be performed. The proposed amendment to 126.4(e)(2):

- Ensures that students receive early and frequent feedback related to their academic progress by generally requiring SAP evaluations at the midpoint and endpoint of each quarter or term;
- Clarifies minimum attendance and grade requirements for academic progress and graduation; and
- Creates an early warning provision, where schools must notify students who are not meeting academic or attendance requirements.

##### **Standard of Financial Viability (§ 126.8)**

Current law and regulation require licensed private career schools to submit annual financial statements. The Department must review and analyze the financial viability of schools based on these filings. In addition, the Department may take measures to protect student tuition dollars, such as probation or requiring schools with low financial viability to establish a performance bond in the event of a school closure.

The proposed amendment creates a transparent framework and process for assessing the financial viability of all licensed private career schools and certified ESL schools. The framework is adapted from the United States Department of Education's system of evaluating the financial viability of postsecondary schools.

Additionally, current regulation requires certified ESL schools to submit an annual "statement of revenue" as opposed to audited financial statements. However, it is not possible to accurately evaluate the financial viability of schools based on a "statement of revenue." Over the past several years, several certified ESL schools have abruptly shut down due to financial issues that the Department was unable to foresee through reviewing such statements. OSC also identified this limitation in the Department's current process and the attendant risks to students in its program audit of BPSS. As a solution, the proposed amendment repeals the current section 126.8 of the Commissioner's regulations and adds a new section 126.8 which:

- Establishes clear criteria for assessing the financial viability of schools: schools will be considered financially viable if: (i) the schools' equity, primary reserve and net income ratios yield a composite score of at least 1.5; and (ii) the school is able to meet all of its financial obligations and provide the administrative resources necessary to comply with all licensure or certification requirements.
- Identifies triggering events that may indicate financial viability concerns. Schools must notify the Department within five days of any such triggering event.
- Establishes alternative standards of financial viability. A school that is determined not to be financially viable may be eligible to continue operation by meeting one of the following alternate standards:

- **Zone alternative.** A school that does not meet the general standards of financial viability solely because the composite score falls below 1.5 will be eligible for the zone alternative if its composite score falls between 1.0 and 1.4.

- **Probation.** A school that does not meet the general standards of financial viability and does not qualify for the zone alternative may be placed on probation. By the conclusion of the probationary period, the school must demonstrate that it is financially viable by meeting one or more alternative methods demonstrating financial viability. If the school cannot, and the Commissioner determines that the school's financial condition continues to threaten its ability to educate students and/or jeopardize student tuition funds, the Department shall schedule a hearing that may result in suspension or revocation of the school's license.

- Provides that the commissioner may deny, suspend, revoke or decline to renew any license or certification if the commissioner determines that a school's financial condition may result in the interruption or cessation of instruction or jeopardize student tuition funds pursuant to Education Law § 5001(5)(c)(3).

- Establishes financial reporting requirements for initial and renewal licensure or certification applications, including the submission of audited financial statements, and requires schools to submit annual financial statements. Previously such requirements only applied to licensed private career schools; the proposed amendment expands such requirements to include certified ESL schools.

##### **School Accountability (§ 126.19)**

Current law and regulation require licensed private career schools to submit annual statistical data reports that include information on enrollment, completion, and job-placement data. Although annual data reporting is a core element of school supervision, the current data has limited utility given the lack of clearly-defined data elements and standardized definitions for completion and job-placement rates. In addition, as OSC recognized in its program audit, certified ESL schools are not currently required to submit any data reports. The proposed section 126.19:

- Establishes clearly defined data elements to standardize data collection across schools.
- Establishes standardized definitions for "completion rate" and "job-placement rate."
- Requires both licensed private career schools and certified ESL schools to submit annual statistical data reports.
- Requires schools to report key summary data in their catalogs and promotional materials.
- Permits the commissioner to establish a school data report system on the Department's website that includes data determined to be useful for consumers to make informed decisions about whether they should attend a licensed or certified school.

##### **Student Social Security Numbers on Enrollment Agreements (§ 126.7(b)(5))**

Current regulation requires student social security numbers to be included on student enrollment agreements, which are jointly signed by a student and school agent. A student's social security number is highly confidential, and there are other ways to validate students' identity without including such information on enrollment agreements. The proposed amendment eliminates this requirement, thus providing better data privacy for students.

##### **Required 30-day Notice Prior to School Closure (§ 126.11(c))**

Subdivision (c) of section 126.11 of Regulations of the Commissioner requires licensed private career schools to provide the Department with at least 30 days' notice prior to a school's closure. This notice helps to ensure that a plan is in place for displaced students and for the maintenance of student records. However, no such regulation exists for certified ESL schools. There have been several cases over the past few years where certified ESL schools have provided minimal or no notice of closure. The proposed amendment closes this gap and ensures that ESL schools provide the same notice to the Department that licensed private career schools must provide.

##### **Prohibition from Enrolling New Students Upon a Denial of Licensure Renewal (§ 126.10(b))**

When a school submits a timely and complete application for the renewal of its license to operate, regulation guides that the Department provide schools with a written approval or denial 30 days prior to the expiration of the school license. In the case of a denial, this 30-day notice provides time to teach-out or transition students and implement a plan for the permanent safe-keeping of student records. The proposed amendment ensures that schools do not enroll any students after such a denial but before expiration of its current license.

##### **Academic Standing and Counseling Records (§ 126.11(a))**

The proposed amendment requires schools to maintain documentation of the academic standing evaluations and academic counseling in the student record.

##### **3. COSTS:**

Schools that are placed on probation may be subject to an additional external audit. The costs of external audits may vary widely by the size and complexity of the organization. Due to the wide variation in size and complexity of schools, the Department is unable to estimate the costs of an additional audit.

#### 4. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to improve the Department's Bureau of Proprietary School Supervision (BPSS) oversight of postsecondary career schools (licensed private career schools) and for-profit English as a second language schools (certified ESL schools) to maintain educational quality and protect students through the evaluation of schools' financial viability, the collection and use of school data, and the evaluation of students' academic progress. Because of the nature of the proposed rule, alternative approaches for schools located in rural areas were not considered.

#### 5. RURAL AREA PARTICIPATION:

The State Education Department has posted the proposed regulation on its website and will ask for comments from all interested parties, including proprietary schools located in the rural areas of the State. The State Education Department will also share the proposed regulation at a meeting of the State's Advisory Council for Career Schools, and will ask for comments from all interested parties, including proprietary schools located in the rural areas of the State.

#### Job Impact Statement

The purpose of the proposed rule is to improve the Department's Bureau of Proprietary School Supervision (BPSS) oversight of postsecondary career schools (licensed private career schools) and for-profit English as a second language schools (certified ESL schools) to maintain educational quality and protect students through the evaluation of schools' financial viability, the collection and use of school data, and the evaluation of students' academic progress. Because it is evident from the nature of the proposed amendment that it will have no impact on jobs and employment opportunities, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

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## Department of Financial Services

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### EMERGENCY RULE MAKING

#### Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure

**I.D. No.** DFS-25-21-00001-E

**Filing No.** 683

**Filing Date:** 2021-06-04

**Effective Date:** 2021-06-04

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

**Action taken:** Addition of sections 52.17(d) and 52.18(h) to Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301, 3216, 3217, 3217-h, 3221, 4303 and 4306-g

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

**Specific reasons underlying the finding of necessity:** Telehealth played an indispensable role in providing quality care to those persons who needed health care services during the COVID-19 pandemic but could not visit their providers in person. As made evident by the COVID-19 pandemic, access to these services should not be limited to in-person or visual requirements. When clinically appropriate, an audio-only visit, such as by telephone, provides an essential form of access for New Yorkers. The availability of audio-only visits allows for more widespread access, particularly for mental health and substance use disorder services, because no visual component is required. Additionally, encouraging people who do not need emergency care to use audio-only telehealth services may alleviate the stress that in-person visits put on our health care system. Failure to continue to enable the use of telehealth services through audio-only visits could result in New Yorkers losing access to care they have come to rely on throughout the COVID-19 pandemic, potentially disrupting the health and safety of the people of New York. Further, coverage of audio-only

telehealth services is important because some New Yorkers, such as senior citizens, are not able to use video-enabled technology, like Zoom.

This amendment clarifies that an audio-only visit falls within the meaning of telehealth. Additionally, this amendment clarifies that for the purposes of telehealth, an insurer may engage in reasonable fraud, waste, and abuse detection efforts, including efforts to prevent payments for services that do not warrant a separate billable encounter. This amendment is not intended to require coverage of services for which no charge is normally made consistent with 11 NYCRR section 52.16(c)(8). The Department of Financial Services expects every health care plan to reimburse a provider offering telehealth services for audio-only visits when medically necessary.

Given the continuing public health implications related to COVID-19, it is essential that New Yorkers continue to be able to access health care services in a way that limits the spread of COVID-19. It is thus imperative that this amendment be promulgated on an emergency basis for the preservation of public health.

**Subject:** Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure.

**Purpose:** To clarify application of Insurance Law sections 3217-h and 4306-g.

**Text of emergency rule:** Section 52.17(d) is added as follows:

(d) Telehealth.

(1) Telehealth has the meaning set forth in Insurance Law sections 3217-h and 4306-g and includes audio-only visits.

(2) For the purposes of Insurance Law sections 3217-h and 4306-g, an insurer may engage in reasonable fraud, waste and abuse detection efforts, including to prevent payments for services that do not warrant a separate billable encounter.

Section 52.18(h) is added as follows:

(h) Telehealth.

(1) Telehealth has the meaning set forth in Insurance Law sections 3217-h and 4306-g and includes audio-only visits.

(2) For the purposes of Insurance Law sections 3217-h and 4306-g, an insurer may engage in reasonable fraud, waste and abuse detection efforts, including to prevent payments for services that do not warrant a separate billable encounter.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire July 6, 2021.

**Text of rule and any required statements and analyses may be obtained from:** Tobias Len, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-8975, email: Tobias.Len@dfs.ny.gov  
**Regulatory Impact Statement**

1. Statutory authority: Financial Services Law sections 202 and 302 and Insurance Law sections 301, 3216, 3217, 3217-h, 3221, 4303, and 4306-g.

Financial Services Law section 202 establishes the office of the Superintendent of Financial Services ("Superintendent").

Financial Services Law section 302 and Insurance Law section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the Insurance Law and to effectuate any power granted to the Superintendent in the Insurance Law, Financial Services Law, or any other law.

Insurance Law section 3216 sets forth the standard provisions in individual accident and health insurance policies.

Insurance Law section 3217 authorizes the Superintendent to issue regulations to establish minimum standards for the form, content and sale of health insurance policies and subscriber contracts of corporations organized under Insurance Law Articles 32 and 43 and Public Health Law Article 44.

Insurance Law sections 3217-h and 4306-g provide that an insurer or corporation may not exclude from coverage a service that is otherwise covered under a policy or contract that provides comprehensive coverage for hospital, medical or surgical care because the service is delivered via telehealth.

Insurance Law section 3221 sets forth the standard provisions in group and blanket accident and health insurance policies.

Insurance Law section 4303 sets forth mandatory benefits in subscriber contracts issued by corporations organized under Insurance Law Article 43.

2. Legislative objectives: The statutory sections cited above establish the minimum standards for the form, content, and sale of health insurance, including standards of full and fair disclosure and standards for telehealth services. This proposed amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing sections of the Insurance Law by clarifying that telehealth services includes audio-only visits.

3. Needs and benefits: Telehealth played an indispensable role in provid-

ing quality care to those persons who needed health care services during the COVID-19 pandemic but could not visit their providers in person. As made evident by the COVID-19 pandemic, access to these services should not be limited to in-person or visual requirements. When clinically appropriate, an audio-only visit, such as by telephone, provides an essential form of access for New Yorkers. The availability of audio-only visits allows for more widespread access, particularly for mental health and substance use disorder services, because no visual component is required. Additionally, encouraging people who do not need emergency care to use audio-only telehealth services may alleviate the stress that in-person visits put on our health care system. Failure to continue to enable the use of telehealth services through audio-only visits could result in New Yorkers losing access to care they have come to rely on throughout the COVID-19 pandemic, potentially disrupting the health and safety of the people of New York. Further, coverage of audio-only telehealth services is important because some New Yorkers, such as senior citizens, are not able to use video-enabled technology, like Zoom. Given the public health experience throughout the COVID-19 pandemic, it is essential that insureds continue to have access to health care services through audio-only telehealth visits. Thus, this amendment clarifies that an audio-only visit falls within the meaning of telehealth.

This amendment also clarifies that for the purposes of telehealth, an insurer may engage in reasonable fraud, waste, and abuse detection efforts, including efforts to prevent payments for services that do not warrant a separate billable encounter. This amendment is not intended to require coverage of services for which no charge is normally made consistent with 11 NYCRR section 52.16(c)(8).

The Department of Financial Services (“Department”) expects every health care plan to reimburse a provider offering telehealth services for audio-only visits when medically necessary.

4. Costs: Health care plans may incur additional costs to comply with the amendment if they need to file new policy and contract forms and rates with the Department to clarify that audio-only visits fall within the meaning of telehealth. However, any costs should be minimal because health care plans submit policy and contract form and rate filings as a part of the normal course of business. In addition, the Department had previously issued an emergency regulation clarifying that telehealth includes services rendered by telephone; thus, health care plans already should have updated their forms and rates, accordingly.

Health care providers (“providers”) should not incur any additional costs as a result of this amendment.

This amendment may impose compliance costs on the Department because the Department may need to review amended policy and contract forms and rates. However, any additional costs incurred by the Department should be minimal, and the Department should be able to absorb the costs in its ordinary budget.

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

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

6. Paperwork: Health care plans may need to file new policy and contract forms and rates with the Department.

Providers and local governments should not incur additional paperwork to comply with this amendment.

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

8. Alternatives: The Department considered referencing telephone visits in the definition of telehealth. However, the Department decided to use broader language by referencing audio-only visits for consistency with the federal Centers for Medicare & Medicaid Services and in the event technology changes.

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

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

#### **Regulatory Flexibility Analysis**

1. Effect of rule: This rule affects health maintenance organizations and authorized insurers (collectively, “health care plans”) and health care providers (“providers”). This amendment clarifies that telehealth includes audio-only visits (e.g., telephone calls) and that, for the purpose of telehealth, an insurer may engage in reasonable fraud, waste, and abuse detection efforts, including efforts to prevent payments for services that do not warrant a separate billable encounter. This amendment is not intended to cover services for which no charge is normally made consistent with 11 NYCRR section 52.16(c)(8).

Industry asserts that certain health care plans subject to the amendment are small businesses. Providers also may be small businesses. As a result, certain health care plans and providers that are small businesses will be affected by this amendment.

This amendment does not affect local governments.

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

A health care plan that is a small business affected by this amendment, if any, may be subject to reporting, recordkeeping, or other compliance requirements as the health care plan may need to file new policy and contract forms and rates with the Superintendent of Financial Services.

A provider that is a small business should not be subject to additional reporting, recordkeeping, or other compliance requirements.

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

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business affected by this amendment, if any, may incur costs because it may need to file new policy or contract forms and rates. However, any costs should be minimal because health care plans submit policy or contract form and rate filings as a part of the normal course of business. In addition, the Department had previously issued an emergency regulation clarifying that telehealth includes services rendered by telephone; thus, health care plans already should have updated their forms and rates, accordingly.

A provider that is a small business should not incur additional costs as a result of the amendment.

5. Economic and technological feasibility: This amendment does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the amendment. A health care plan and a provider that is a small business should not incur any economic or technological impact as a result of the amendment.

6. Minimizing adverse impact: There will not be an adverse impact on any local government because the amendment does not apply to any local government. This amendment should not have an adverse impact on a health care plan or provider that is a small business because the amendment uniformly affects all health care plans and providers. The Department of Financial Services (“Department”) considered the approaches suggested in State Administrative Procedure Act (“SAPA”) section 202-b(1) for minimizing adverse impacts but did not find them applicable.

7. Small business and local government participation: The Department complied with SAPA section 202-b(6) by notifying representatives of health care plans that are small businesses that it intended to promulgate this amendment. Health care plans and providers that are small businesses also will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department’s website.

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

1. Types and estimated numbers of rural areas: Authorized insurers and health maintenance organizations (collectively, “health care plans”) and health care providers (“providers”) affected by this amendment operate in every county in this state, including rural areas as defined by State Administrative Procedure Act section 102(10).

2. Reporting, recordkeeping, and other compliance requirements; and professional services: A health care plan, including a health care plan in a rural area, may be subject to additional reporting, recordkeeping, or other compliance requirements because the health care plan may need to file new policy and contract forms and rates with the Department of Financial Services (“Department”).

A provider, including a provider in a rural area, should not be subject to any additional reporting, recordkeeping, or other compliance requirements.

A health care plan and a provider, including those in a rural area, should not need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: Health care plans, including those in rural areas, may incur additional costs to comply with the amendment because they may need to file new policy and contract forms and rates with the Department. However, any costs should be minimal because health care plans submit policy and contract form and rate filings as a part of the normal course of business. In addition, the Department had previously issued an emergency regulation clarifying that telehealth includes services rendered by telephone; thus, health care plans already should have updated their forms and rates, accordingly.

Providers, including those in rural areas, should not incur additional costs to comply with the amendment.

4. Minimizing adverse impact: This amendment uniformly affects health care plans and providers that are located in both rural and non-rural

areas of New York State. The amendment should not have an adverse impact on rural areas.

5. Rural area participation: The Department notified representatives of health care plans in rural areas that it intended to promulgate this amendment. Health care plans and providers in rural areas will also have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

#### **Job Impact Statement**

This amendment should not adversely impact jobs or employment opportunities in New York State because the amendment simply clarifies that the meaning of "telehealth" includes audio-only visits (e.g., telephone calls) and that, for the purpose of telehealth, an insurer may engage in reasonable fraud, waste, and abuse detection efforts, including efforts to prevent payments for services that do not warrant a separate billable encounter. This amendment is not intended to require coverage for services for which no charge is normally made, consistent with 11 NYCRR section 52.16(c)(8). As a result, there should be no impact on jobs or employment opportunities.

## **EMERGENCY RULE MAKING**

### **Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure**

**I.D. No.** DFS-25-21-00002-E

**Filing No.** 684

**Filing Date:** 2021-06-04

**Effective Date:** 2021-06-04

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

**Action taken:** Addition of section 52.16(p) to Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301, 3216, 3217, 3221 and 4303

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

**Specific reasons underlying the finding of necessity:** The novel coronavirus ("COVID-19") has spread to millions of people worldwide, with more than 2,000,000 confirmed cases in New York State. While the number of hospitalizations for COVID-19 has diminished sharply in New York, there are still numerous cases of New Yorkers testing positive for COVID-19. The Centers for Disease Control has confirmed that COVID-19 seems to spread easily and sustainably in communities in affected areas. Given the public health implications related to COVID-19, it is essential that cost-sharing not serve as a barrier to testing for COVID-19.

This amendment prohibits health care plans that provide hospital, surgical, or medical expense insurance policies or contracts from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for covered in-network laboratory tests to diagnose COVID-19 and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for COVID-19, including an inpatient hospital admission, as otherwise permitted by law. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network providers in order to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible at any time, including when the services are provided, which is typically when such payment is collected.

Since the situation regarding COVID-19 is constantly evolving, and to ensure that cost-sharing does not serve as a barrier to testing for COVID-19, it is imperative that this amendment be promulgated on an emergency basis for the preservation of public health.

**Subject:** Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure.

**Purpose:** To waive cost-sharing for in-network visits and laboratory tests necessary to diagnose the novel coronavirus (COVID-19).

**Text of emergency rule:** Section 52.16(p) is added as follows:

(p)(1) No policy or contract delivered or issued for delivery in this

State that provides hospital, surgical, or medical expense insurance coverage shall impose, and no insured shall be required to pay, copayments, coinsurance, or annual deductibles for the following services when covered under the policy or contract:

(i) in-network laboratory tests to diagnose the novel coronavirus (COVID-19); and

(ii) visits to diagnose the novel coronavirus (COVID-19) at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose the novel coronavirus (COVID-19), or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for the novel coronavirus (COVID-19), including an inpatient hospital admission, as otherwise permitted by law.

(2) An insurer shall provide written notification to its in-network providers that they shall not collect any deductible, copayment, or coinsurance in accordance with this subdivision.

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires July 6, 2021.

**Text of rule and any required statements and analyses may be obtained from:** Tobias Len, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-8975, email: Tobias.Len@dfs.ny.gov

#### **Regulatory Impact Statement**

1. Statutory authority: Financial Services Law sections 202 and 302 and Insurance Law sections 301, 3216, 3217, 3221, and 4303.

Financial Services Law section 202 establishes the office of the Superintendent of Financial Services ("Superintendent").

Financial Services Law section 302 and Insurance Law section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the Insurance Law and to effectuate any power granted to the Superintendent in the Insurance Law, Financial Services Law, or any other law.

Insurance Law section 3216 sets forth the standard provisions in individual accident and health insurance policies.

Insurance Law section 3217 authorizes the Superintendent to issue regulations to establish minimum standards for the form, content and sale of health insurance policies and subscriber contracts of corporations organized under Insurance Law Articles 32 and Article 43 and Public Health Law Article 44.

Insurance Law section 3221 sets forth the standard provisions in group and blanket accident and health insurance policies.

Insurance Law section 4303 sets forth mandatory benefits in subscriber contracts issued by corporations organized under Insurance Law Article 43.

2. Legislative objectives: The statutory sections cited above establish the minimum standards for the form, content, and sale of health insurance, including standards of full and fair disclosure. This proposed amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing sections of the Insurance Law by prohibiting the imposition of copayments, coinsurance, or annual deductibles for in-network laboratory tests to diagnose the novel coronavirus ("COVID-19") and visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital.

3. Needs and benefits: COVID-19 has spread to millions of people worldwide, with more than 2,000,000 confirmed cases in New York State. While the number of hospitalizations for COVID-19 has diminished sharply in New York, there are still numerous cases of New Yorkers testing positive for COVID-19. The Centers for Disease Control has confirmed that COVID-19 seems to spread easily and sustainably in communities in affected areas. Given the public health implications related to COVID-19, it is essential that cost-sharing not serve as a barrier to testing for COVID-19.

This amendment prohibits authorized insurers and health maintenance organizations (collectively, "health care plans") that provide hospital, surgical, or medical expense insurance policies or contracts from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for covered in-network laboratory tests to diagnose COVID-19 and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for COVID-19, including an inpatient hospital admission, as otherwise permitted by law.

The amendment requires every health care plan to provide written

notification of the requirements of the amendment to its in-network health care providers (“providers”) in order to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible at any time, including when the services are provided, which is typically when such payment is collected.

The Department of Financial Services (“Department”) expects every health care plan to reimburse a provider, including reimbursement for the insured’s waived copayment, coinsurance, or annual deductible, with respect to any impacted claims.

Given the public health implications related to COVID-19, it is essential that cost-sharing does not serve as a barrier to testing for COVID-19. The waiver of copayments, coinsurance, and annual deductibles is necessary to ensure that people are not deterred from seeing a provider and getting tested for COVID-19. Failure to do so could result in the further spread of this epidemic and could jeopardize the health and safety of the people of New York.

4. Costs: Health care plans may incur additional costs to comply with the amendment because they may need to file new policy and contract forms and rates and they will need to provide the written notification to in-network providers regarding this amendment. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

This amendment may impose costs on providers because they will need to ensure that insureds are not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed, including at the time the services are provided. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims.

This amendment may impose compliance costs on the Department because the Department will need to review amended policy and contract forms and rates. However, any additional costs incurred by the Department should be minimal, and the Department should be able to absorb the costs in its ordinary budget.

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

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

6. Paperwork: Health care plans are required to provide written notification to their in-network providers that the providers may not collect any deductible, copayment, or coinsurance for laboratory tests and visits to diagnose COVID-19. This notification may be provided electronically as part of existing communications that occur between health care plans and in-network providers. Health care plans may also need to file new policy and contract forms and rates with the Superintendent.

Providers and local governments should not incur additional paperwork to comply with this amendment.

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

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

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

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

#### **Regulatory Flexibility Analysis**

1. Effect of rule: This rule affects health maintenance organizations and authorized insurers (collectively, “health care plans”) and health care providers (“providers”). This amendment prohibits health care plans that provide hospital, surgical, or medical expense insurance policies or contracts from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for covered in-network laboratory tests to diagnose the novel coronavirus (“COVID-19”) and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider’s office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for COVID-19, including an inpatient hospital admission, as otherwise permitted by law. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network providers in order to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible at any time, including when the services are provided, which is typically when such payment is collected.

Industry asserts that certain health care plans subject to the amendment are small businesses. Providers also may be small businesses. As a result, certain health care plans and providers that are small businesses will be affected by this amendment.

This amendment does not affect local governments.

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

A health care plan that is a small business affected by this amendment, if any, may be subject to reporting, recordkeeping, or other compliance requirements as the health care plan may need to file new policy and contract forms and rates with the Superintendent and will be required to provide written notification of the amendment to its in-network providers.

A provider that is a small business may be subject to reporting, recordkeeping, or other compliance requirements as the provider must ensure that an insured is not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment at any time, including at the time services are provided.

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

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business affected by this amendment, if any, may incur costs because it may need to file new policy or contract forms and rates and will be required to provide written notification of the amendment to its in-network providers. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

A provider that is a small business may incur additional costs to comply with the amendment, which may include costs to ensure that the insured is not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed at any time, including at the time the services are provided. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims.

5. Economic and technological feasibility: This amendment does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the amendment. A health care plan and a provider that is a small business should not incur any economic or technological impact as a result of the amendment.

6. Minimizing adverse impact: There will not be an adverse impact on any local government because the amendment does not apply to any local government. This amendment should not have an adverse impact on a health care plan or provider that is a small business affected by the amendment, if any, because the amendment uniformly affects all health care plans and providers. In addition, a provider that is a small business should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims from the health care plan directly.

7. Small business and local government participation: The Department of Financial Services (“Department”) contacted trade associations representing health care plans that are small businesses before it promulgated this amendment and considered comments it received from these associations. The Department also notified trade associations representing providers that are small businesses that it intended to promulgate this amendment and considered comments it received from these associations. Health care plans and providers that are small businesses also will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department’s website.

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

1. Types and estimated numbers of rural areas: Authorized insurers and health maintenance organizations (collectively, “health care plans”) and health care providers (“providers”) affected by this amendment operate in every county in this state, including rural areas as defined by State Administrative Procedure Act section 102(10).

2. Reporting, recordkeeping, and other compliance requirements; and professional services: A health care plan, including a health care plan in a rural area, may be subject to additional reporting, recordkeeping, or other compliance requirements because the health care plan may need to file new policy and contract forms and rates with the Department of Financial Services (“Department”) and will be required to provide written notification of the amendment to its in-network providers.

A provider, including a provider in a rural area, may be subject to reporting, recordkeeping, or other compliance requirements as the provider must ensure that an insured is not required to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment at any time, including at the time the services are provided.

A health care plan or a provider, including those in a rural area, should not need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: Health care plans and providers, including those in rural areas, may incur additional costs to comply with the amendment. A health care plan may incur additional compliance costs as it may need to file new policy and contract forms and rates with the Department and will be required to provide written notification of the amendment to its in-network providers. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

A provider, including those in rural areas, may incur additional costs to comply with the amendment. Those additional costs may include costs to ensure that the insured is not required to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed at any time, including at the time the services are provided. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims.

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

5. Rural area participation: The Department contacted trade associations representing health care plans that are in rural areas before it promulgated this amendment and considered comments it received from these associations. The Department also notified trade associations representing providers in rural areas that it intended to promulgate this amendment and considered comments it received from these associations. Health care plans and providers in rural areas will also have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

#### **Job Impact Statement**

This amendment should not adversely impact jobs or employment opportunities in New York State. The amendment prohibits policies and contracts of hospital, surgical, or medical expense insurance from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, and annual deductibles for covered in-network laboratory tests to diagnose the novel coronavirus ("COVID-19") and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network health care provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. As a result, there should be no impact on jobs or employment opportunities.

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## Department of Labor

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### EMERGENCY RULE MAKING

#### **Setoff Against Unemployment Insurance Benefits for the Recovery Nonwillful Overpayments**

**I.D. No.** LAB-25-21-00003-E

**Filing No.** 685

**Filing Date:** 2021-06-06

**Effective Date:** 2021-06-06

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

**Action taken:** Amendment of section 470.5(c) of Title 12 NYCRR.

**Statutory authority:** Labor Law, sections 21(11) and 530(1); State Administrative Procedure Act, section 202(6)

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

**Specific reasons underlying the finding of necessity:** This emergency regulation is needed to prevent an additional financial burden on claimants who were unintentionally overpaid benefits and are experiencing a loss of

employment during the public health and economic crisis caused by the novel coronavirus, also known as COVID-19. Federal law requires weekly UI benefits to be offset to recover unpaid debts caused by overpayments, including non-willful, non-fraudulent overpayments. The economic impact of COVID-19, along with the reduction in weekly benefits caused by the expiration of temporary federal programs established under the Coronavirus Aid, Relief, and Economic Security Act, has resulted in significant financial insecurity for many claimants. The reduction in the weekly setoff to collect non-willful overpayments is necessary to public health, safety, and general welfare by ensuring that claimants are better able to meet their weekly financial needs in the midst of the COVID-19 public health and economic crisis while still meeting federal obligations to repay the prior, nonwillful overpayments.

**Subject:** Setoff Against Unemployment Insurance Benefits for the Recovery Nonwillful Overpayments.

**Purpose:** To reduce the setoff to recover nonwillful overpayments of unemployment insurance benefits from 50% to 20% of benefits.

**Text of emergency rule:** Section 470.5 of 12 NYCRR is amended to read as follows:

§ 470.5 Setoff against unemployment insurance benefits.

Established and outstanding overpaid unemployment insurance benefits shall be collected from a claimant's weekly benefit award as a setoff.

(a) Priority of liquidation. In the event that more than one overpayment is established against an individual claimant, setoff amounts will be debited to such overpayments in chronological order.

(b) Willful overpayment. A setoff of 100 percent of the weekly benefit amount will apply to one or more established and outstanding overpayments attributable to an individual claimant so long as at least one of such overpayments is determined to have been willful.

(c) Non-willful overpayment. A setoff of [50]20 percent of the weekly benefit amount will apply to one or more established and outstanding overpayments attributable to an individual claimant so long as none of such overpayments are determined to have been willful.

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires September 3, 2021.

**Text of rule and any required statements and analyses may be obtained from:** Michael Paglialonga, NYS Department of Labor, State Office Campus, Building 12, Room 509, Albany, NY 12240, (518) 457-4380, email: regulations@labor.ny.gov

#### **Regulatory Impact Statement**

Statutory Authority: State Administrative Procedure Act (SAPA) § 202(6) and Labor Law §§ 21(11) and 530(1).

Legislative Objectives: Article 18 of the N.Y. labor Law was established to ensure the payment of unemployment insurance (UI) benefits to eligible claimants in conformity and substantial compliance with the applicable federal laws and regulations, including the Federal Unemployment Tax Act (26 U.S.C. §§ 3301-3320) and the Social Security Act (42 U.S.C. §§ 501-506). As stated in Labor Law § 501, the purpose and legislative intent for the enactment of Article 18 was to alleviate the economic insecurity caused by unemployment, which is a serious menace to the health, welfare, and morale of the people of the State of New York. Finding that involuntary unemployment often falls with crushing force upon the unemployed worker and his family, on April 9, 1931 the Legislature enacted Article 18 of the Labor Law to establish the New York State UI program, and declared that in its considered judgment the public good and the well-being of the wage earners of this state require the enactment of this measure for the compulsory setting aside of financial reserves for the benefit of persons unemployed through no fault of their own.

Labor Law § 530(1) authorizes the commissioner of labor with the authority to promulgate rules and regulations for the effective administration of Article 18. In accordance with 42 U.S.C. § 503(g), proper administration of Article 18 includes requiring that benefits paid to UI claimants be offset for the repayment of benefits previously overpaid and not yet collected. In light of the public health and economic emergency created by the novel coronavirus, also known as COVID-19, a reduction in the weekly setoff to collect non-willful overpayments is necessary to public health, safety, and general welfare by ensuring that the legislative intent set forth in Labor Law § 501 is met and to prevent further injury to UI claimants who are unemployed through no fault of their own.

Needs and Benefits: This emergency regulation is necessary to prevent an additional financial burden on UI claimants who were unintentionally overpaid benefits and are experiencing a loss of employment during the public health and economic crisis caused by COVID-19. Federal law requires weekly UI benefits to be offset to recover unpaid debts caused by overpayments, including non-willful, non-fraudulent overpayments. The economic impact of COVID-19, along with the reduction in weekly benefits caused by the expiration of temporary federal programs established under the Coronavirus Aid, Relief, and Economic Security Act, has resulted in significant financial insecurity for many UI claimants. The

reduction in the weekly setoff to collect non-willful overpayments is necessary to public health, safety, and general welfare by ensuring that claimants are better able to meet their weekly financial needs in the midst of the COVID-19 public health and economic crisis while still meeting federal obligations to repay the prior, non-willful overpayments.

The purpose and intent of this emergency rulemaking is to prevent an additional financial burden on UI claimants who were unintentionally overpaid benefits by reducing the existing offset percentage from 50% to 20%.

Costs: As this rule merely changes the offset percentage for overpayment collections already occurring, the Department estimates that there will be no costs to the regulated community, to the Department of Labor, or to state and local governments to implement this rulemaking.

Local Government Mandates: None. The rulemaking effects individual claimant's weekly benefits and does not create any mandate for federal, state, or municipal governments, or any political subdivision thereof.

Paperwork: This rulemaking does not impact any reporting requirements currently required in either statute or regulation.

Duplication: This rulemaking does not duplicate, overlap, or conflict with any other state or federal requirements.

Alternatives: There were no significant alternatives considered.

Federal Standards: 42 U.S.C. § 503(g) requires that states administering an unemployment insurance program certified by the United States Department of Labor offset, from a claimant's weekly benefits, amounts previously overpaid but not yet recovered. States have discretion over what percentage offset from a claimant's weekly benefit entitlement. Unemployment Insurance Program Letter 05-13 § 4(B)(i). There are no other federal standards for this rule.

Compliance Schedule: This emergency rulemaking shall become effective upon filing with the Department of State.

#### **Regulatory Flexibility Analysis**

Effect of Rule: The purpose and intent of this emergency rulemaking is to prevent an additional financial burden on claimants who were unintentionally overpaid benefits and are experiencing a loss of employment during the public health and economic crisis caused by the novel coronavirus, also known as COVID-19 by reducing the existing offset percentage from 50% to 20%. The Department anticipates this will have no impact on small businesses or local governments.

Compliance Requirements: Small businesses and local governments will not have to undertake any new reporting, recordkeeping, or other affirmative act in order to comply with this regulation.

Professional Services: No professional services would be required to effectuate the purposes of this regulation.

Compliance Costs: As this regulation reduces an existing offset percentage associated with unemployment benefits, the Department estimates that there will be no costs to small businesses or local governments to implement this regulation.

Economic and Technological Feasibility: The regulation does not require any use of technology to comply.

Minimizing Adverse Impact: The Department does not anticipate that this regulation will adversely impact small businesses or local governments. Since no adverse impact to small businesses or local governments will be realized, it was unnecessary for the Department to consider approaches for minimizing adverse economic impacts as suggested in State Administrative Procedure Act § 202-b(1).

Small Business and Local Government Participation: The Department does not anticipate that this rule will have an adverse economic impact upon small businesses or local governments, nor will it impose new reporting, recordkeeping, or other compliance requirements upon them.

Initial review of the rule pursuant to SAPA § 207: Initial review of this regulation shall occur no later than the third calendar year in which it is adopted.

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

Types and estimated numbers of rural areas: The Department anticipates that this regulation will have a positive or neutral impact upon all areas of the state; there is no adverse impact anticipated upon any rural area of the state resulting from adoption of this regulation.

Reporting, recordkeeping and other compliance requirements: This regulation will not impact reporting, recordkeeping or other compliance requirements.

Professional services: No professional services will be required to comply with this regulation.

Costs: As this regulation reduces an existing offset percentage associated with unemployment benefits, the Department estimates that there will be no new or additional costs to rural areas to implement this regulation.

Minimizing adverse impact: The Department does not anticipate that this regulation will have an adverse impact upon any region of the state. As such, different requirements for rural areas were not necessary.

Rural area participation: The Department does not anticipate that the

regulation will have an adverse economic impact upon rural areas nor will it impose new reporting, recordkeeping, or other compliance requirements.

#### **Job Impact Statement**

Nature of impact: The Department of Labor (hereinafter "Department") projects there will be no adverse impact on jobs or employment opportunities in the State of New York as a result of this emergency rulemaking. Rather, this regulation will help claimants who are experiencing a job loss as a result of the economic and public health crisis caused by the novel coronavirus, also known as COVID-19, and are subject to a benefits setoff to repay unintentionally overpaid benefits for a prior benefit week(s). This regulation amends existing regulations to decrease the setoff percentage for the recovery of non-willful overpayments from 50% to 20%. The nature and purpose of this regulation is such that it will not have an adverse impact on jobs or employment opportunities.

Categories and numbers affected: The Department does not anticipate that this regulation will have an adverse impact on jobs or employment opportunities in any category of employment. This regulation will help to reduce the financial burden on unemployment insurance claimants during public health and economic crisis caused by COVID-19.

Regions of adverse impact: The Department does not anticipate that this regulation will have an adverse impact upon jobs or employment opportunities statewide or in any particular region of the state.

Minimizing adverse impact: Since the Department does not anticipate any adverse impact upon jobs or employment opportunities resulting from this regulation, no measures to minimize any unnecessary adverse impact on existing jobs or to promote the development of new employment opportunities are required.

Self-employment opportunities: The Department does not foresee a measureable impact upon opportunities for self-employment resulting from adoption of this regulation.

Initial review of the rule pursuant to SAPA § 207: Initial review of this regulation shall occur no later than the third calendar year in which it is adopted.

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

The agency received no public comment.

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## Public Service Commission

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

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

**I.D. No.** PSC-25-21-00004-P

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

**Proposed Action:** The Commission is considering a proposal filed by Liberty Utilities (St. Lawrence Gas) Corp. to modify its gas tariff schedule regarding changes to PSL Section 66-p relating to billing information for residential rental premises.

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

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

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

**Substance of proposed rule:** The Commission is considering a proposal by Liberty Utilities (St. Lawrence Gas) Corp. (the Company) on June 2, 2021, to amend its gas tariff schedule, P.S.C. No. 1. – Gas. The Company proposes to establish provisions relating to billing information for residential rental properties in accordance with the recently enacted Public Service Law Section 66-p which became effective on April 18, 2020.

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

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

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

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

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

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

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

(20-M-0029SP24)

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

**Transfer of Penelec Assets and Franchise Rights**

**I.D. No.** PSC-25-21-00005-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 a joint petition filed by Pennsylvania Electric Co. (Penelec), Waverly Electric Light & Power Co., and Tri-County Rural Electric Co. (Tri-County) to transfer Penelec assets and franchise rights to Tri-County.

**Statutory authority:** Public Service Law, section 70(1)

**Subject:** Transfer of Penelec assets and franchise rights.

**Purpose:** To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a joint petition filed by Pennsylvania Electric Company (Penelec), The Waverly Electric Light and Power Company and Tri-County Rural Electric Cooperative (Tri-County), requesting approval to transfer certain Penelec assets, property and franchise rights to Tri-County, which would result in Tri-County being the electric provider to approximately 3,600 customers in and around the Town of Waverly, located in the southern-tier of New York on the Pennsylvania border.

The joint petition requests the Commission's approval of the transaction pursuant to Public Service Law § 70(1), as the original cost of the proposed assets to be transferred is greater than \$100,000, and asserts that the transfer would be in the public interest.

The terms and conditions of the transfer are set forth in a purchase and sale agreement and Tri-County, upon the closing date of the transfer, would become responsible and liable for the operation, maintenance, and condition of the transferred assets. The joint petition states that the transfer would not impact the reliability, safety, operation, or maintenance of the electric distribution system.

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](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

*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.

(21-E-0252SP1)

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

**Transfer of Street Light Facilities**

**I.D. No.** PSC-25-21-00006-P

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

**Proposed Action:** The Commission is considering a petition filed by New York State Electric and Gas Corporation for the transfer of certain street lighting facilities to the Town of Newfield, Tompkins County, New York.

**Statutory authority:** Public Service Law, section 70(1)

**Subject:** Transfer of street light facilities.

**Purpose:** To consider the transfer of street lighting facilities to the Town of Newfield.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed by New York State Electric & Gas Corporation (NYSEG or the Company) on May 26, 2021, requesting a transfer to the Town of Newfield (the Town) the ownership of its system of street lighting facilities installed throughout the Town. The street lighting facilities consist of a system of street lighting poles, luminaires, lamps, mast arms, electrical connections and wiring (Facilities). NYSEG requests the Commission's approval of the transaction pursuant to Public Service Law § 70(1), as the original cost of the proposed assets to be transferred is greater than \$100,000.

Based on plant records, NYSEG represents that the original book cost of the Facilities is approximately \$174,659 and the net book value, as of December 31, 2020, is \$48,401. The Company proposes to transfer the ownership of the Facilities to the Town for \$60,156. Upon the closing date of the sale, the Town will become solely responsible and liable for the operation, maintenance, and condition of the Facilities. The transfer will not impact the reliability, safety, operation, or maintenance of NYSEG's electric distribution system.

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](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

*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.

(21-E-0301SP1)

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

**Transfer of Street Lighting Facilities**

**I.D. No.** PSC-25-21-00007-P

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

**Proposed Action:** The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid seeking authorization to transfer certain street lighting facilities in the Village of Voorheesville to the Village of Voorheesville.

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

**Subject:** Transfer of street lighting facilities.

**Purpose:** To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on May 6, 2021 by Niagara Mohawk



Power Corporation d/b/a National Grid (National Grid), requesting authorization to transfer certain street lighting facilities located in the Village of Voorheesville (Village) to the Village.

The original cost of the facilities was approximately \$268,922 and the net book value of the assets is \$129,940, as of March 31, 2021. National Grid proposes to transfer the street lighting facilities to the Village for approximately \$135,452, which includes the net book value of the assets as well as transition and transaction costs. National Grid explains that the agreement between it and the Village provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of the closing.

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

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

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

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

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

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

(21-E-0275SP1)

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

**NYSERDA and National Grid's Proposed Expanded Solar For All Program for Low-Income Customers**

**I.D. No.** PSC-25-21-00008-P

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

**Proposed Action:** The Commission is considering a joint petition filed by NYSERDA and Niagara Mohawk Power Corporation d/b/a National Grid requesting an Expanded Solar For All Program that provides community solar to low-income customers.

**Statutory authority:** Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2), (5) and 66-p

**Subject:** NYSERDA and National Grid's proposed Expanded Solar For All Program for low-income customers.

**Purpose:** To consider the authorization and appropriate design of an opt-out community solar program for low-income customers.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a joint petition filed by the New York State Energy Research and Development Authority (NYSERDA) and Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) on April 23, 2021 regarding an Expanded Solar For All Program (E-SFA).

NYSERDA and National Grid request Commission authorization of an E-SFA program structure that would provide low-income customers with electric bill savings from participating in community distributed generation (CDG) projects. Income-eligible customers would be automatically enrolled in the E-SFA but would have the ability to opt-out. Participating CDG projects would be solicited by NYSERDA and compensated for their generation based on a percentage of the "Value Stack," and the remaining credits would be aggregated and distributed evenly among all E-SFA customers, with a targeted customer bill savings of \$10 per month.

NYSERDA and National Grid also seek Commission authorization for: (1) National Grid to collect a utility administrative fee based on a percentage of the Value Stack; and (2) NYSERDA to provide additional "adder" NY-Sun incentives to participating solar projects, as needed, from previously-authorized NY-Sun program funds.

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](http://www.dps.ny.gov). The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(19-E-0735SP3)

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

**Hydroelectric Facility Located in Carthage, New York**

**I.D. No.** PSC-25-21-00009-P

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

**Proposed Action:** The Commission is considering a petition filed by Ampersand Long Falls, LLC to provide financial support for its 3300 kW hydroelectric facility located in Carthage, New York under the Tier 2 Maintenance Tier Program in the Renewable Energy Standard.

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

**Subject:** Hydroelectric facility located in Carthage, New York.

**Purpose:** To promote and maintain renewable electric energy resources.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition, filed on May 19, 2021 by Ampersand Long Falls Hydro, LLC, (the Company) seeking a Tier 2 Maintenance Tier contract (Maintenance Contract) under the Renewable Energy Standard program.

The Ampersand Long Falls Hydro project is a 3300-kW run-of-river hydroelectric power generating station located in Carthage, New York (Facility). The petition asserts that the Facility experienced a failure of four out of twelve wicket gates surrounding the turbine in July 2019, causing the Facility to cease generating since that time. The petition states the Facility has struggled to cope with the significant capital expenditures required to repower the station. In addition, to renew the Facility's Power Purchase Agreement (PPA) with National Grid, the utility is mandating a new interconnection agreement. The Company states that the costs associated with repowering the station and upgrading the interconnection are prohibitive in a context of low wholesale electricity prices.

In the August 1, 2016 Clean Energy Standard Framework Order, the Commission approved, among other items, the continuation of a maintenance program for existing renewable generating facilities needing financial support to remain operational. The Company is requesting a 3-year contract authorizing \$26.50/MWh for each Renewable Energy Certificate created by the Facility. Upon review of the relevant inputs used to calculate the award, including changes to those inputs, the Commission may adjust the award price requested upward or downward. The Commission may also seek to standardize the formula to be utilized in computing the maintenance tier award.

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](http://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.

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

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

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

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

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

(17-E-0603SP9)

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

**Petition to Submeter Electricity**

**I.D. No.** PSC-25-21-00010-P

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

**Proposed Action:** The Commission is considering the petition of 5531-321 East 22nd Street Manhattan LLC to submeter electricity at 321 East 22nd Street, New York, New York.

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

**Subject:** Petition to submeter electricity.

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

**Substance of proposed rule:** The Commission is considering the petition filed by 5531-321 East 22nd Street Manhattan LLC on January 28, 2019, to submeter electricity at a market-rate and income-based rental building located at 321 East 22nd Street, New York, New York, located in the territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the petition, 5531-321 East 22nd Street Manhattan LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(19-E-0060SP1)

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

**Transfer of Street Lighting Facilities**

**I.D. No.** PSC-25-21-00011-P

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

**Proposed Action:** The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid seeking authorization to transfer certain street lighting facilities in the City of Cohoes to the City of Cohoes.

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

**Subject:** Transfer of street lighting facilities.

**Purpose:** To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on May 27, 2021 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), requesting authorization to transfer certain street lighting facilities located in the City of Cohoes (City) to the City.

The original cost of the facilities was approximately \$1,564,995 and the net book value of the assets is \$840,324, as of March 31, 2021. National Grid proposes to transfer the street lighting facilities to the City for ap-

proximately \$876,339, which includes the net book value of the assets as well as transition and transaction costs. National Grid explains that the agreement between it and the City provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of the closing.

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

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

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

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

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

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

(21-E-0302SP1)

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

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

**I.D. No.** PSC-25-21-00012-P

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

**Proposed Action:** The Commission is considering a proposal filed by N.E.A. Cross of NY, Inc. to modify its gas tariff schedule regarding changes to PSL section 66-p relating to billing information for residential rental premises.

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

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

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

**Substance of proposed rule:** The Commission is considering a proposal by N.E.A. Cross of NY, Inc. (the Company) on May 27, 2021, to amend its gas tariff schedule, P.S.C. No. 2 – Gas. The Company proposes to establish provisions relating to billing information for residential rental properties in accordance with the recently enacted Public Service Law Section 66-p which became effective on April 18, 2020.

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

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

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

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

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

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

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

(20-M-0029SP23)

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

**Negative Revenue Adjustments for Gas Main Replacements Targets in 2020**

I.D. No. PSC-25-21-00013-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 the Consolidated Edison Company of New York, Inc. requesting that the Commission excuse the negative revenue adjustments (NRA) associated with its gas main replacement targets in 2020.

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

**Subject:** Negative revenue adjustments for gas main replacements targets in 2020.

**Purpose:** To promote and ensure safety and reliability enhancements for utility infrastructure replacement.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on April 30, 2021 by Consolidated Edison Company of New York (Con Edison or the Company) requesting that the Commission excuse the application of negative revenue adjustments (NRAs) associated with the Company's failure to meet targets for its Calendar Year 2020 main replacement work under the current gas rate plan as established in the January 16, 2020 Order Adopting Terms of Joint Proposal and Establishing Electric and Gas Rate Plans. Con Edison also requests that the Commission amend the associated cumulative three-year main replacement target under its gas rate plan.

As part of its gas rate plan, Con Edison was required to remove from service a minimum of 85 miles of leak prone pipe in 2020 or be subject to a potential NRA of 15 basis points. In 2020, Con Edison replaced 67 miles of leak prone pipe. According to the Petition, in response to Executive Orders issued by Governor Andrew Cuomo as a result of the COVID-19 pandemic, Con Edison suspended all gas main replacement work between March 27, 2020 and June 8, 2020. In its petition, Con Edison states that the resulting pause in work and time needed to bring back its contractor workforce to pre-COVID levels resulted in extenuating circumstances that prevented the Company from meeting its main replacement target for 2020.

Pursuant to its gas rate plan, Con Edison is required to replace a cumulative target of 270 miles of leak-prone pipe from Calendar Years 2020 to 2022. Con Edison also requests the Commission amend the cumulative three-year target to 247 miles because, according to the Company, it would no longer be feasible to meet the original 270 mile target due to the impact of the COVID-19 pandemic on its planned main replacement during Calendar Year 2020.

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](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(19-G-0066SP3)

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Agriculture and Markets, Department of</b>		
AAM-23-21-00001-P .....	Regulated Commodity Labeling, Packaging and Method of Sale Requirements	WebEx, (518) 549-0500, Access: 161 509 994—July 7, 2021, 11:00 a.m.
<b>Environmental Conservation, Department of</b>		
ENV-19-21-00001-P .....	Set Monitoring, Operational and Reporting Requirements for the Oil and Natural Gas Sector	Electronic webinar—July 20, 2021, 2:00 p.m. and 6:00 p.m. Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 203 by May 12, 2021. The proposed regulations webpage for 6 NYCRR Part 203 may be accessed at: <a href="https://www.dec.ny.gov/regulations/propregulations.html">https://www.dec.ny.gov/regulations/propregulations.html</a> Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 203 public comment hearing. The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than June 29, 2021. The written request must be addressed to ALJ Lara Q. Olivieri, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Olivieri at: <a href="mailto:ohms@dec.ny.gov">ohms@dec.ny.gov</a>
ENV-24-21-00008-P .....	Petroleum Bulk Storage (PBS)	Electronic webinar—August 17, 2021, 2:00 p.m. and 6:00 p.m. Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Parts 597, 598, and 613 by June 16, 2021. The proposed regulations webpage for 6 NYCRR Parts 597, 598, and 613 may be accessed at: <a href="https://www.dec.ny.gov/regulations/propregulations.html">https://www.dec.ny.gov/regulations/propregulations.html</a> Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Parts 597, 598, and 613 public comment hearing. The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than July 27, 2021. The written request must be addressed to Chief ALJ James T. McClymonds, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to Chief ALJ McClymonds at <a href="mailto:ohms@dec.ny.gov">ohms@dec.ny.gov</a> .
ENV-24-21-00009-P .....	Chemical Bulk Storage (CBS)	Electronic webinar—August 17, 2021, 2:00 p.m. and 6:00 p.m.

Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Parts 597, 598, and 613 by June 16, 2021. The proposed regulations webpage for 6 NYCRR Parts 597, 598, and 613 may be accessed at: <https://www.dec.ny.gov/regulations/propregulations.html>

Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Parts 597, 598, and 613 public comment hearing.

The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than July 27, 2021. The written request must be addressed to Chief ALJ James T. McClymonds, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to Chief ALJ McClymonds at [ohms@dec.ny.gov](mailto:ohms@dec.ny.gov).

**Public Service Commission**

PSC-19-21-00009-P ..... Major Electric Rate Filing

Teleconference—July 12, 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](http://www.dps.ny.gov)) under Case 21-E-0074.

PSC-19-21-00012-P ..... Major Gas Rate Filing

Teleconference—July 12, 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](http://www.dps.ny.gov)) under Case 21-G-0073.

**State, Department of**

DOS-19-21-00014-P ..... Minimum Standards for Administration and Enforcement of the Uniform Code and Energy Code

99 Washington Ave., Rm. 505, Albany, NY— July 15, 2021, 10:00 a.m.

Due to the ongoing pandemic, the public hearing scheduled to accept public comments may be held virtually only. Instructions for attendance online or by phone will be provided on the Department of State’s Division of Building Standards and Codes’ website at <https://dos.ny.gov/notice-proposed-rule-making> at least fourteen (14) days prior to the public hearing.



**ACTION PENDING INDEX**

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>0001</b>	<b>P</b>

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

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

*AAM-12-20-00006-P	07/24/21	Calibrating and testing of certain weights and measures standards and devices.	To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices.
AAM-21-21-00021-EP	05/26/22	Control of the European Cherry Fruit Fly	To help control the spread of the European Cherry Fruit Fly (ECFF), which renders cherries unmarketable if they are infested
AAM-23-21-00001-P	07/07/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards

**ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF**

ASA-28-20-00013-P	09/14/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
ASA-28-20-00016-RP	09/14/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation

**CHILDREN AND FAMILY SERVICES, OFFICE OF**

*CFS-04-20-00009-P	09/14/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-49-20-00006-EP	12/09/21	Maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days.	Remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs.

**CIVIL SERVICE, DEPARTMENT OF**

*CVS-06-20-00004-P	09/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
*CVS-13-20-00015-P	09/14/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
*CVS-13-20-00016-P	09/14/21	Jurisdictional Classification	To classify positions in the exempt class
*CVS-24-20-00002-P	09/14/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
*CVS-24-20-00003-P	09/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-24-20-00004-P	09/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-24-20-00005-P	09/14/21	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-24-20-00006-P	09/14/21	Jurisdictional Classification	To classify positions in the exempt class
*CVS-24-20-00007-P	09/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-24-20-00008-P	09/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-24-20-00009-P	09/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-24-20-00010-P	09/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-20-00004-P	09/14/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-28-20-00005-P	09/14/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00006-P	09/14/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00007-P	09/14/21	Jurisdictional Classification	To delete a position from the exempt class
CVS-28-20-00008-P	09/14/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00009-P	09/14/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-20-00010-P	09/14/21	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-28-20-00011-P	09/14/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00012-P	09/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-20-00003-P	09/14/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00004-P	09/14/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-32-20-00005-P	09/14/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00006-P	09/14/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-10-21-00001-P	03/10/22	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CVS-10-21-00002-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class and to classify a position from the non-competitive class
CVS-10-21-00003-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-10-21-00004-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-10-21-00005-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00005-P	03/31/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00006-P	03/31/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00007-P	03/31/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-21-00008-P	03/31/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-14-21-00001-P	04/07/22	Juneteenth Holiday	To add Juneteenth to the listing of holidays in the Attendance Rules
CVS-14-21-00002-P	04/07/22	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2021
CVS-19-21-00003-P	05/12/22	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-19-21-00004-P	05/12/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-21-00005-P	05/12/22	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-23-21-00006-P	06/09/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-21-00007-P	06/09/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-21-00008-P	06/09/22	Jurisdictional Classification	To delete positions from the exempt class
CVS-23-21-00009-P	06/09/22	Jurisdictional Classification	To classify a subheading and positions in the exempt class

**COMMISSIONER OF PILOTS, BOARD OF**

COP-24-21-00011-P	exempt	Rate increases for pilot services	To offset costs being incurred by pilots by failure of users to properly assess assistance needed from pilots
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
CCS-34-20-00001-P	09/14/21	Family Reunion Program	To clarify for logic and consistency, and make additional changes to the current Family Reunion Program
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-48-20-00001-P	12/02/21	Employee Training Incentive Program	To update the administrative processes for the ETIP program
<b>EDUCATION DEPARTMENT</b>			
*EDU-17-19-00008-P	09/14/21	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	07/24/21	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
*EDU-20-20-00008-ERP	11/16/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-08-21-00002-P	02/24/22	The Definition of the Term "University"	To clarify and broaden the definition of the term "university"
EDU-13-21-00011-EP	03/31/22	Licensure requirements for Land Surveyors	Adding and amending licensure requirements for Land Surveyors
EDU-13-21-00012-P	03/31/22	Renaming the Languages Other Than English (LOTE) learning standards to "World Languages"	To rename the LOTE learning standards to "World Languages" and corresponding changes to the certificate title and tenure titles
EDU-13-21-00013-P	03/31/22	Eligibility of School Psychology Candidates for the Internship Certificate	To allow candidates enrolled in registered school psychology programs to be eligible for the Internship certificate
EDU-13-21-00014-EP	03/31/22	Addressing the COVID-19 Crisis	To provide regulatory flexibility in response to the COVID-19 crisis
EDU-17-21-00009-EP	04/28/22	Including Emergency Protocols in District-Wide School Safety Plans	To implement Chapter 168 of the Laws of 2020, as amended by Chapter 30 of the Laws of 2021
EDU-17-21-00010-EP	04/28/22	Students' Eligibility to Participate in Interscholastic Competition Until the Conclusion of the Interscholastic Spring Season	To ensure that eligible students are able to complete their interscholastic athletic spring season the year they graduate
EDU-17-21-00011-P	04/28/22	Education Law 310 Appeals to the Commissioner and Initiation Conduct of Proceedings for the Removal of School Officers	To make technical changes and other clarifying amendments to section 310 appeal procedures and requirements
EDU-17-21-00012-EP	04/28/22	Extending the edTPA Safety Net in Response to the COVID-19 Crisis	To extend the edTPA safety net in response to the COVID-19 crisis
EDU-21-21-00006-P	05/26/22	Civic Readiness Pathway to Graduation and the New York State Seal of Civic Readiness	To establish the civic readiness pathway to graduation and the New York State Seal of Civic Readiness

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-21-21-00007-EP	05/26/22	Providing flexibility for hands-only CPR instruction, the NYS Seal of Biliteracy, and health examinations and certificates	To provide regulatory flexibility in response to the COVID-19 crisis
EDU-21-21-00008-P	05/26/22	Requirements for Chiropractic Education Programs and Education Requirements for Licensure as a Chiropractor	To conform the Commissioner's regulations to national education standards for postsecondary education
EDU-21-21-00009-P	05/26/22	School Counselor Bilingual & Supplementary Bilingual Education Extension & Registration Requirements	To create the bilingual education extension, supplementary bilingual education extension, and registration requirements for programs leading to the bilingual education extension for initial and professional school counselor certificates
EDU-21-21-00010-P	05/26/22	Adding the Doctor of Business Administration (D.B.A.) Degree and Master of Theological Studies (M.T.S.) Degree in New York State	To add the D.B.A. degree and M.T.S. degree in New York State
EDU-25-21-00014-P	06/23/22	Permanent School Counselor Certificate Requirements	To allow candidates who have an expired Provisional School Counselor certificate and apply for a Permanent School Counselor certificate prior to February 2, 2023
EDU-25-21-00015-P	06/23/22	Extending the Instructional Hour COVID-19 Waiver to the 2021-22 School Year	To provide additional regulatory flexibility by extending the instructional hour COVID-19 waiver to the 2021-22 school year
EDU-25-21-00016-P	06/23/22	Mandatory Peer Review Program in the Profession of Public Accountancy	To conform to the national peer review program standards to enhance enforcement efforts to help ensure the quality of attest services provided by New York public accounting firms
EDU-25-21-00017-P	06/23/22	Financial Viability, Accountability, and Evaluating Academic Progress in Licensed Private Career Schools & Certified ESL Schools	To establish standards of financial viability, accountability, and evaluating academic progress in licensed private career schools and certified English as a second language schools
EDU-25-21-00018-EP	06/23/22	Permitting the Dignity for All Students Act (DASA) Training to be Provided Entirely Online Due to the COVID-19 Crisis	To permit DASA training to be provided entirely online through December 31, 2021 due to the COVID-19 crisis
EDU-25-21-00019-EP	06/23/22	Two-Step Identification Process for Academic Services (AIS) for Students Who Will Be Enrolled in Grades 3-8 in 2021-22	To provide flexibility for the 2-step AIS identification process for students enrolled in grades 3-8 in the 2021-22 school year
<b>ELECTIONS, STATE BOARD OF</b>			
SBE-13-21-00015-P	03/31/22	Implementation of Cyber Security Requirements for Local Boards of Elections	Requires that that every county board of elections adhere to a minimum level of cyber-security standards
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-01-21-00003-ERP	01/06/22	Regulations governing recreational fishing for striped bass	To require circle hooks when fishing recreationally for striped bass using bait
ENV-03-21-00010-P	03/23/22	Application of Site-Specific Criteria to Class I and Class SD Waters	Add site-specific criteria to Class I and SD waters to provide additional water quality protection of the existing best uses

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-04-21-00007-P	03/30/22	Chlorpyrifos prohibition	Prohibit distribution, sale, purchase, possession, or use of pesticides that contain the active ingredient chlorpyrifos
ENV-04-21-00008-P	04/07/22	Food Donation and Food Scraps Recycling	Required by Title 22 of Article 27, the rule increases food donation and the recycling of food scraps through composting
ENV-12-21-00004-P	03/24/22	Public use of Wildlife Management Areas, and areas with special regulations	To ensure that public use of WMAs and other sites does not interfere or conflict with intended purposes of those areas
ENV-16-21-00012-P	04/21/22	Regulations governing whelk management	To protect immature whelk from harvest and establish gear and reporting rules for marine resource protection and public safety
ENV-19-21-00001-P	07/20/22	Set monitoring, operational and reporting requirements for the oil and natural gas sector	Reduce emissions of methane and volatile organic compounds from the oil and natural gas sector
ENV-22-21-00001-EP	06/02/22	Peekamoose Valley Riparian Corridor	Protect public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor
ENV-23-21-00011-P	06/09/22	Deer and Bear Hunting	Strategically increase antlerless deer harvest, expand hunting hours, simplify bear hunting seasons, and enhance hunter safety
ENV-24-21-00007-P	06/16/22	Amendments to permit requirements for trapping fisher and marten in New York State	To remove the requirement for a special fisher trapping permit, and to simplify marten trapping requirements
ENV-24-21-00008-P	08/17/22	Petroleum Bulk Storage (PBS)	To amend the PBS regulations, 6 NYCRR Part 613
ENV-24-21-00009-P	08/17/22	Chemical Bulk Storage (CBS)	To repeal existing 6 NYCRR Parts 596, 598, 599 and replace with new Part 598; and amend existing Part 597; for the CBS program
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-43-19-00017-RP	09/14/21	Independent Dispute Resolution for Emergency Services and Surpsise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-49-20-00011-P	12/09/21	Credit for Reinsurance	To conform to covered agreements entered into between the US and EU and the US and UK, and implement NAIC models.
DFS-13-21-00001-P	03/31/22	Enterprise Risk Management and Own Risk and Solvency Assessment	To require an entity subject to the rule to describe its ERM function in its enterprise risk report, among other things

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
DFS-14-21-00007-P	04/07/22	Public Adjusters	To update the rule regarding public adjusters, including to conform to Chapter 546 of the Laws of 2013
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-34-20-00009-P	08/26/21	Qualification time in harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-50-20-00007-P	12/16/21	Contactless payment methods for chances in charitable gaming	To promote public health and support of organizations authorized to operate games of chance
SGC-09-21-00014-P	03/03/22	Lasix administrations on race day	To enhance the safety and integrity of pari-mutuel racing
SGC-17-21-00001-P	04/28/22	Time, place and manner of Powerball drawings	To provide that the time, place and manner of Powerball drawings will be as authorized by the Multi-State Lottery Association
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-36-19-00006-P	09/14/21	Limits on Executive Compensation	Removes “Soft Cap” prohibition on covered executive salaries.
*HLT-46-19-00003-P	09/14/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
*HLT-47-19-00008-P	09/14/21	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	09/14/21	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
*HLT-04-20-00003-RP	10/22/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
*HLT-11-20-00003-P	09/14/21	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	09/14/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals
HLT-28-20-00019-RP	09/14/21	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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
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-45-20-00002-RP	11/10/21	Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
HLT-05-21-00011-P	02/03/22	Ingredient Disclosures for Vapor Products and E-Cigarettes	To provide for enhanced public awareness of the chemicals used in vapor products and electronic cigarettes
HLT-07-21-00012-P	02/17/22	Rate Setting for Residential Habilitation in Community Residences and for Non-State Providers of Day Habilitation	To amend rate methodologies limiting payments to IRA providers to conform to provisions in approved waiver
HLT-09-21-00009-EP	03/03/22	Surrogacy Programs and Assisted Reproduction Service Providers	To license and regulate surrogacy programs
HLT-19-21-00002-EP	05/12/22	Meeting Space in Transitional Adult Homes	Establish criteria for suitable meeting space to ensure privacy in conversations and submit a compliance plan to the Department
HLT-22-21-00003-P	06/02/22	Reducing Biannual Testing of Adult Care Facility Staff	To remove the requirement for biannual testing of adult care workers
HLT-22-21-00004-P	06/02/22	Hospice Residence Rates	To authorize Medicaid rate of payment to increase the Hospice Residence reimbursement rates by 10 percent
HLT-22-21-00005-P	06/02/22	Stroke Services	Amend transition period for existing stroke centers to allow the Dept. to extend the three year transition period, if necessary
HLT-22-21-00009-P	06/02/22	Managed Care Organizations (MCOs)	To maintain the contingent reserve requirement at 7.25% through 2022 applied to Medicaid Managed Care, HIV SNP & HARP programs
HLT-22-21-00010-P	06/02/22	Labeling Requirements Concerning Vent-Free Gas Space Heating Appliances	To adjust the current labeling requirements for unvented gas space heating appliances
<b>HUMAN RIGHTS, DIVISION OF</b>			
HRT-15-21-00005-P	04/14/22	Notice of tenants' rights to reasonable modifications and accommodations for persons with disabilities	To comply with the requirements of Executive Law section 170-d
<b>JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE</b>			
JPE-21-21-00002-P	05/26/22	Records access	To update regulations governing records access
<b>LABOR, DEPARTMENT OF</b>			
*LAB-46-19-00004-P	09/14/21	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LABOR, DEPARTMENT OF</b>			
LAB-49-20-00012-P	12/09/21	Sick Leave Requirements	To provide definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law
LAB-05-21-00003-EP	02/03/22	Unemployment Insurance (UI) definition of "day of total unemployment"	To prevent an additional financial burden on UI claimants seeking part-time work opportunities and help employers obtain talent
<b>LAW, DEPARTMENT OF</b>			
*LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information
<b>LIQUOR AUTHORITY, STATE</b>			
LQR-12-21-00005-P	06/09/22	Minimum curriculum requirements for ATAP schools	To add information regarding sexual violence prevention to minimum curriculum requirements for ATAP schools
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
LPA-37-20-00013-EP	exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
LPA-12-21-00011-P	exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input

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<b>LONG ISLAND POWER AUTHORITY</b>			
LPA-14-21-00010-P	..... exempt	To increase participation in the NYSEDA GJGNY On-Bill Loan Installment program	To provide low-cost on-bill financing for customers investing in energy efficiency, DERs, and beneficial electrification
<b>LONG ISLAND RAILROAD COMPANY</b>			
LIR-39-20-00005-ERP	..... 09/30/21	Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road	To safeguard the public health and safety on terminals, stations and trains operated by Long Island Rail Road
<b>MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY</b>			
MBA-39-20-00007-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MAbSTOA	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
<b>MENTAL HEALTH, OFFICE OF</b>			
OMH-09-21-00001-EP	..... 03/03/22	Redesigning Residential Treatment Facilities (RTF)	To provide clarity and provide uniformity relating to RTF's and to implement Chapter 58 of the Laws of 2020
OMH-15-21-00001-EP	..... 04/14/22	Residential treatment facility leave of absence	Update requirements for leave of absence in RTFs; Implement State Plan Amendments effective 7/1/18 (attachment 4.16C (pg 2 & 3))
OMH-20-21-00006-P	..... 05/19/22	Establishment of Youth Assertive Community Treatment (ACT)	To include children in the populations eligible to receive ACT and other conforming changes
<b>METRO-NORTH COMMUTER RAILROAD</b>			
MCR-39-20-00004-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad	To safeguard the public health and safety by amending the rules to require use of masks when using Metro-North facilities
<b>METROPOLITAN TRANSPORTATION AGENCY</b>			
MTA-39-20-00009-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company	To safeguard the public health and safety by amending rules to require use of masks when using MTA Bus facilities and conveyance
MTA-16-21-00004-EP	..... 04/21/22	Requiring mask wearing when using the facilities and conveyances of the MTA and its operating affiliates and subsidiaries	To safeguard the public health and safety by adding a new all-agency rule requiring the use of masks in facilities and conveyances
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
MTV-21-21-00001-P	..... 05/26/22	Dealer Document Fee	Raises the dealer document fee from \$75 to \$175
<b>NEW YORK CITY TRANSIT AUTHORITY</b>			
NTA-39-20-00006-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-15-21-00002-EP	..... 04/14/22	Billing for Day Program Duration	To allow providers of day hab and site-based prevocational services to bill for day program duration with greater flexibility
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

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

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

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



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

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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47

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

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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.



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

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

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

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

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

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

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

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



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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00015-P	..... exempt	Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00016-P	..... exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-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-07-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
*PSC-21-20-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
*PSC-23-20-00008-P	..... exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.
PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
PSC-31-20-00008-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-20-00004-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
PSC-37-20-00006-P	..... exempt	Con Edison's petition for a proposed Non-Pipeline Solutions portfolio and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-40-20-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-41-20-00010-P	..... exempt	Disposition of a \$50 million municipal tax refund	To consider a disposition of a municipal tax refund for customer and company benefit
PSC-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-42-20-00008-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-44-20-00007-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-44-20-00009-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-45-20-00004-P	..... exempt	Major gas rate filing	To consider an increase in Central Hudson's gas delivery revenues
PSC-45-20-00005-P	..... exempt	Major electric rate filing	To consider an increase in Central Hudson's electric delivery revenues
PSC-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-47-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-47-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-20-00004-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.
PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-49-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-51-20-00006-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00007-P	..... exempt	Whitepaper on the ACOS method used by utilities in developing Standby and Buyback Service rates.	To standardize the utility ACOS methods and resulting rates, and to enable stand-alone energy storage systems.
PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers.
PSC-51-20-00010-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
PSC-52-20-00002-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-52-20-00003-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-20-00004-P	..... exempt	Use of pipeline refund.	To consider how a pipeline refund of \$2.26 million will be utilized by National Fuel.
PSC-52-20-00008-P	..... exempt	Transfer of a natural gas pipeline and the associated certificate, and application of lightened and incidental regulation.	To determine whether the requested transfers and regulatory treatment are consistent with the law and the public interest.
PSC-52-20-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-52-20-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers.
PSC-01-21-00006-P	..... exempt	A debt financing arrangement with respect to an electric transmission line under development.	To review the proposed financing and consider whether it is within the public interest.
PSC-01-21-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-02-21-00006-P	..... exempt	Disposition of a sales tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-03-21-00006-P	..... exempt	Comprehensive study to identify distribution and transmission investments in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the State's climate goals.
PSC-03-21-00007-P	..... exempt	Waiver of certain rules, i.e., 7-day installation requirements pertaining to cable television franchise.	To determine whether to waive any rules and regulations.

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-04-21-00016-P	..... exempt	Request for a waiver.	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement.
PSC-04-21-00017-P	..... exempt	Funding and management of the the Clean Energy Fund portfolio.	To review NYSEERDA's proposed modifications to the Clean Energy Fund portfolio and determine whether the changes are acceptable.
PSC-04-21-00020-P	..... exempt	NFG's Implementation Plan and audit recommendations.	To consider to implement the management audit recommendations.
PSC-05-21-00004-P	..... exempt	Alternative proposal for net crediting billing.	To facilitate development of and participation in Community Distributed Generation projects.
PSC-05-21-00005-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 100 MW electric generating facility.
PSC-05-21-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-21-00007-P	..... exempt	Petition to amend bill estimation procedures.	To consider the petition of Central Hudson Gas & Electric Corporation to amend its current bill estimation procedures.
PSC-05-21-00008-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-21-00012-P	..... exempt	The electric utilities' 2021 Electric Emergency Response Plans.	To consider the adequacy of the proposed 2021 Electric Emergency Response Plans.
PSC-06-21-00009-P	..... exempt	Disposition of a property tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-06-21-00011-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-21-00005-P	..... exempt	Staff Whitepaper recommending modifications to the utility's energy affordability program.	To consider updates and enhancements to the utility's low-income energy affordability program.
PSC-07-21-00007-P	..... exempt	Conditioned pre-approval of stock transactions of regulated entities.	To consider allowing stock transactions within statutory parameters without Commission approval for individual transactions.
PSC-08-21-00003-P	..... exempt	Utility-owned ESR participation in the New York Independent System Operator, Inc. (NYISO) administered wholesale markets.	To consider if National Grid should use a ESR in NYISO markets, and whether any conditions are appropriate for such use.
PSC-08-21-00006-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street lighting facilities and the proper accounting for the transaction.
PSC-09-21-00002-P	..... exempt	Gas moratorium procedures	To consider procedures and criteria to minimize customer hardships in the unlikely event of a future gas moratorium
PSC-09-21-00003-P	..... exempt	Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-09-21-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00006-P	..... exempt	Long-term gas system planning.	To consider a process to review gas distribution utilities' long-term system planning.
PSC-09-21-00007-P	..... exempt	Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-10-21-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-10-21-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-10-21-00009-P	..... exempt	Gas Demand Response Pilot Program.	To provide promote natural gas system reliability by encouraging reductions of natural gas demand during peak gas demand days.
PSC-11-21-00003-P	..... exempt	NYSEG and RG&E's petition for a waiver of its customer service quality performance.	To determine if NYSEG and RG&E's petition for waiver is in the public interest.
PSC-11-21-00004-P	..... exempt	Pre-authorization to transfer certain cybersecurity related equipment to other utilities participating in the CMA program.	To enhance the reliability of the energy system by enabling transfers of certain equipment to other participating utilities.
PSC-11-21-00005-P	..... exempt	Peition concerning tariff amendments regarding billing of transformer losses.	To ensure that the National Grid tariff contains appropriate provisions for the billing of transformer losses.
PSC-12-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-12-21-00009-P	..... exempt	Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.
PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding.	To ensure the appropriate use of funding reserved for gas safety programs.
PSC-13-21-00017-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of an energy storage facility.	Consideration of a lightened regulatory regime for the owner of an approximately 100 MW energy storage facility.
PSC-13-21-00018-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-13-21-00019-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00020-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-13-21-00021-P	..... exempt	Headroom analyses of local transmission and distribution system to support additional renewable energy generation.	To support distribution and local transmission investments necessary to achieve the the State's climate goals.
PSC-13-21-00022-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00023-P	..... exempt	Petition for the use of steam metering equipment.	To ensure that consumer bills are based on accurate measurements of steam usage.
PSC-14-21-00003-P	..... 04/07/22	More specific requirements for Operator Qualification to work on pipelines. Allows applications for "special permits."	To make the provision of natural gas service safer in New York State with better qualified pipeline workers.
PSC-14-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-14-21-00009-P	..... exempt	Tariff amendments regarding the Clean Energy Standard Supply Surcharge.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-21-00006-P	..... exempt	Proposed sale of the Company's stock to the Buyers.	To determine if sale of the Company's stock to the Buyers is in the public interest.
PSC-15-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime.
PSC-15-21-00008-P	..... exempt	Transfer easement of transmission right-of-way.	To consider the proposed easement and the proper accounting treatment.
PSC-15-21-00009-P	..... exempt	Proposed filing to account for the acquisition of DTI by EGTS.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-21-00010-P	..... exempt	Proposed filing to account for the acquisition of DTI by EGTS.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-21-00011-P	..... exempt	Tariff rate modifications for net metered distributed energy resources.	To implement just and reasonable rates for distributed energy resources.
PSC-16-21-00005-P	..... exempt	Tier 2 Maintenance Tier Program of the Renewable Energy Standard.	To promote and maintain renewable electric energy resources.
PSC-16-21-00006-P	..... exempt	The appropriate level of community credit capacity for distributed energy generation projects in the territory.	Consideration of an increase in the community credit capacity for distributed generation projects in the territory.
PSC-16-21-00007-P	..... exempt	Accounting-related rules for utilities implementing the Integrated Energy Data Resource.	To consider cost recovery of capital expenditures and budget allocations of costs between affiliated companies.
PSC-16-21-00008-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-16-21-00009-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-16-21-00010-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-16-21-00011-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-17-21-00002-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-17-21-00003-P	..... exempt	Notice of intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-17-21-00004-P	..... exempt	Waiver of tariff rules.	To consider whether a waiver of tariff rules is just and reasonable and in the public interest.
PSC-17-21-00005-P	..... exempt	Submetering equipment.	To consider use of submetering equipment and if it is in the public interest.
PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation.	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation.
PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities.	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities.
PSC-17-21-00008-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, refinancing of maturing debt.
PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs.	To modify and improve Community Choice Aggregation programs in New York State.
PSC-18-21-00005-P	..... exempt	Proposed transfer of the Company's capital stock to the Purchaser.	To determine if transfer of the Company's capital stock to the Purchaser is in the public interest.
PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products.	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products.
PSC-18-21-00007-P	..... exempt	System modernization tracker (SMT) recovery period amendment.	To determine whether to extend the recovery period associated with the SMT's leak prone pipe replacement costs.
PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits.	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers.
PSC-19-21-00006-EP	..... exempt	Waiver of a tariff rule.	To financially assist customers in a time of hardship.
PSC-19-21-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG).	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-19-21-00009-P	..... exempt	Major electric rate filing.	To consider an increase in O&R's electric delivery revenues.
PSC-19-21-00010-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-19-21-00011-P	..... exempt	Debt financing arrangement.	To review the proposed financing and consider whether authorization is within the public interest.
PSC-19-21-00012-P	..... exempt	Major gas rate filing.	To consider an increase in O&R's gas delivery revenues.
PSC-19-21-00013-P	..... exempt	The proposed transfer of ownership interests and debt financing arrangement related to certain electric generating facilities.	To determine whether the proposed transfer of ownership interests and financing arrangement are in the public interest.
PSC-20-21-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility.	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest.
PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-21-21-00013-P	..... exempt	The Competitive Tier 2 program adopted in the Commission's Order Adopting Modifications to the Clean Energy Standard.	To determine the process for the resale of environmental attributes procured under the Competitive Tier 2 program.
PSC-21-21-00014-P	..... exempt	Transfer of excess development rights associated with utility property.	To determine whether to authorize the transfer of excess development rights associated with utility property.
PSC-21-21-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00016-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00017-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00018-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-21-21-00019-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-21-21-00020-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-22-21-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-22-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 7.6 mile, 13 kV AC electric cable.
PSC-22-21-00008-P	..... exempt	Cost allocation for project(s) to meet a Public Policy Transmission Need/Public Policy Requirement.	To address the cost allocation methodology for use by the New York Independent System Operator, Inc. (NYISO).
PSC-23-21-00002-P	..... exempt	Waiver for allocation of natural gas to commercial and industrial economic development customers.	To provide commercial and industrial economic development customers access to natural gas.
PSC-23-21-00003-P	..... exempt	Petitions for rehearing of the Order Adopting a Data Access Framework and Establishing Further Process.	To consider modifications and/or clarifications to the Order Adopting a Data Access Framework and Establishing Further Process.
PSC-23-21-00004-P	..... exempt	Establishing an alternative recovery mechanism for certain types of fees.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-23-21-00005-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, refinancing of maturing debt.
PSC-23-21-00010-P	..... 06/09/22	Technical amendments of state regulations and administrative corrections.	To make the provisions of natural gas service safer in New York State.
PSC-24-21-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-21-00004-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-25-21-00005-P	..... exempt	Transfer of Penelec assets and franchise rights.	To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest.
PSC-25-21-00006-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Newfield.
PSC-25-21-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-25-21-00008-P	..... exempt	NYSERDA and National Grid's proposed Expanded Solar For All Program for low-income customers.	To consider the authorization and appropriate design of an opt-out community solar program for low-income customers.
PSC-25-21-00009-P	..... exempt	Hydroelectric facility located in Carthage, New York.	To promote and maintain renewable electric energy resources.
PSC-25-21-00010-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-21-00011-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-25-21-00012-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.

## Action Pending Index

NYS Register/June 23, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-25-21-00013-P	..... exempt	Negative revenue adjustments for gas main replacements targets in 2020.	To promote and ensure safety and reliability enhancements for utility infrastructure replacement.
<b>STATE, DEPARTMENT OF</b>			
DOS-05-21-00013-P	..... 02/03/22	Requirements and procedures related to filing, review and publication of financial reports filed with the Department of State	To provide procedures related to the filing, review and publication of financial reports filed with the Department of State
DOS-12-21-00010-P	..... 05/27/22	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To amend the existing Uniform Code to add specific provisions applicable to rail stations
DOS-19-21-00014-P	..... 07/15/22	Minimum standards for administration and enforcement of the Uniform Code and Energy Code	To revise the minimum standards applicable to a program for administration and enforcement of the Uniform Code and Energy Code
<b>STATE UNIVERSITY OF NEW YORK</b>			
*SUN-53-19-00005-P	..... 09/14/21	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	..... 09/14/21	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	..... 09/14/21	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-11-21-00006-EP	..... 03/17/22	Gender Neutral Bathrooms	To conform with legislation requiring SUNY state-operated campuses to designate all single occupancy bathrooms as gender neutral
SUN-17-21-00014-EP	..... 04/28/22	Holiday Leave	To designate Juneteenth as a holiday for SUNY employees
SUN-17-21-00015-EP	..... 04/28/22	Appointment of Employees; Eligibility	To allow for the addition of one year to the service limits for faculty hired between May 20, 2020 - June 30, 2021
SUN-20-21-00005-EP	..... 05/19/22	State basic financial assistance for the operating expenses of community colleges under the programs of SUNY and CUNY	To modify limitations formula for basic State financial assistance and establish a funding floor
SUN-24-21-00002-EP	..... 06/16/22	Gender Neutral Bathrooms	To conform with legislation requiring SUNY state-operated campuses to designate all single occupancy bathrooms as gender neutral
<b>STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY</b>			
SIR-39-20-00008-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations and trains operated by SIRTOA.	To safeguard the public health and safety by amending rules to require the use of masks when using terminals and stations.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
TAF-46-20-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-21-21-00005-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 July 1, 2021 through September 30, 2021
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-13-21-00010-P	..... 03/31/22	Establishment of parentage	To amend state regulations for the establishment of paternity to reflect federal and recently-enacted state statutory requirements, to coordinate and update terminology used by the Child Support Program, and to conform regulatory citations with state laws
<b>TRANSPORTATION, DEPARTMENT OF</b>			
TRN-14-21-00004-P	..... 04/07/22	Regulation of commercial motor carriers in New York State	The rule making updates Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-28-20-00003-EP	..... 07/24/21	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-RP	..... 10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-06-21-00013-P	..... 02/10/22	Medical Treatment Guidelines	To update back, neck, shoulder, knee, and NAP MTGs
WCB-13-21-00002-EP	..... 03/31/22	Ambulatory surgery services fees	To update fees for ambulatory surgery services fees, especially due to the COVID-19 pandemic
WCB-13-21-00003-EP	..... 03/31/22	Designated contact information	To provide a compliance date for carriers, self-insured employers, or TPAs to designate points of contact in the PAR process
WCB-13-21-00004-EP	..... 03/31/22	Notice as required for compliance with the Formulary	To provide a compliance date for carriers, self-insured employers, or TPAs to provide notice as required by 12 NYCRR 441.3(f)
WCB-13-21-00009-P	..... 03/31/22	Updating the prescription drug formulary prior authorization process	To include medical marijuana in the prior authorization process
WCB-15-21-00003-P	..... 04/14/22	Medical Treatment Guidelines	To update the NAP MTGs
WCB-21-21-00011-P	..... 05/26/22	PFL intermittent leave	To clarify the number of intermittent leave days eligible employees can take





# SECURITIES OFFERINGS

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## STATE NOTICES

Published pursuant to provisions of General Business Law  
[Art. 23-A, § 359-e(2)]

## DEALERS; BROKERS

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1914 Holding Company  
715 Kirk Dr., Kansas City, MO 64102  
*State or country in which incorporated* — Delaware

Alfred Club, Inc.  
61 Broadway, Suite 3300, New York, NY 10006  
*State or country in which incorporated* — Delaware

ALT 1400 FSR LLC  
1506 Kruse Dr., Fort Walton Beach, FL 32547  
*State or country in which incorporated* — Georgia

Aureal Capital Ltd.  
1104 Solana Ave., Winter Park, FL 32789  
*State or country in which incorporated* — Cayman Islands

Distinct Dermatology Inc.  
Seven David Dr., Hanover, NJ 07981  
*State or country in which incorporated* — Delaware

Imvela Corp.  
19 Morris Ave., Bldg. 128, Brooklyn, NY 11205  
*State or country in which incorporated* — Delaware

Monachil Private Credit Fund LP  
One Sound Shore Dr., Suite 303, Greenwich, CT 06830  
*Partnership* — Monachil Credit Partners GP, limited liability company

Osprey Polkadot Trust  
520 White Plains Ave., Tarrytown, NY 10591  
*State or country in which incorporated* — Delaware

PA HVP Realty Co., LLC  
200 W. Madison St., Suite 2800, Chicago, IL 60606  
*State or country in which incorporated* — Delaware

Winners Inc.  
3160 NW. 1 Ave., Pompano Beach, FL 33064  
*State or country in which incorporated* — Nevada



# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

PROVIDE  
MUNICIPAL SEWER CONNECTION  
Rockland PC  
Poughkeepsie, Dutchess County

Sealed bids for Project Nos. 45919-C and 45919-E, comprising separate contracts for Construction Work, and Electrical Work, Provide Municipal Sewer Connection, Rockland PC, Hudson River Campus, 10 Ross Circle, Poughkeepsie (Dutchess County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, July 14, 2021, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$66,700 for C, and \$15,800 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C, and between \$100,000 and \$250,000 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 contract 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, Acting 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 to 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: <https://ogs.ny.gov/ACPL/>

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 substantial completion date for this project is 268 days after the Agreement is approved by the Comptroller.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, and 3% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to [support@bidexpress.com](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

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

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

**REPLACE**  
**EMERGENCY GENERATORS/AUTOMATIC TRANSFER**  
**SWITCHES**  
Pilgrim Psychiatric Center  
West Brentwood, Westchester County

Sealed bids for Project No. 46089-E, comprising a contract for Electrical Work, Replace Emergency Generators & Automatic Transfer Switches, Bldgs 20, 26, 72, 101, 702 & Portable Generator, Pilgrim Psychiatric Center, 998 Crooked Hill Rd, West Brentwood (Westchester County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, July 14, 2021, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$47,500 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for 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, Acting 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 to 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: <https://ogs.ny.gov/ACPL/>

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 substantial completion date for this project is 272 days after the Agreement is approved by the Comptroller.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

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 4% for MWBE participation, 2% for Minority-Owned Business Enterprises ("MBE") participation and 2% 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. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to [support@bidexpress.com](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

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

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

**PROVIDE**  
**ELECTRICAL DISTRIBUTION UPGRADES**  
Camp Smith Training Site  
Cortlandt Manor, Westchester County

Sealed bids for Project No. 46187-E, comprising a contract for Electrical Work, Provide Electrical Distribution Upgrades, Camp Smith Training Site, 11 Bear Mountain Bridge Road, Cortlandt Manor (Westchester County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, July 14, 2021 when they will

be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$63,800 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 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, Acting 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 to 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: <https://ogs.ny.gov/ACPL/>

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 substantial completion date for this project is 407 days after the Agreement is approved by the Comptroller.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

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 20% for MWBE participation, 10% for Minority-Owned Business Enterprises (“MBE”) participation and 10% 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. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 6% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction’s plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to [support@bidexpress.com](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

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

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

**PROVIDE**  
**LAUNDRY ROOM/DAY ROOM**  
Camp Smith Training Site  
Cortlandt Manor, Westchester County

Sealed bids for Project Nos. 45557-C, 45557-H, 45557-P and 45557-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Laundry Room & Day Room, Building 505, Camp Smith Training Site, 11 Bear Mountain Bridge Road, Cortlandt Manor (Westchester County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, June 30, 2021 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$25,900 for C, \$23,500 for H, \$21,000 for P, and \$16,500 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 \$500,000 and \$1,000,000 for C, between \$500,000 and \$1,000,000 for H, between \$250,000 and \$500,000 for P, and between \$100,000 and \$250,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS

website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862, and John Lewycky, Acting 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 to 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: <https://ogs.ny.gov/ACPL/>

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 substantial completion date for this project is 337 days after the Agreement is approved by the Comptroller.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and Plumbing Work and 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) for Electrical Work and HVAC 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. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for

more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 3% for the H trade contractor, 3% for the P trade contractor, and 3% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to [support@bidexpress.com](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

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

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

# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

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

## NOTICE OF PUBLIC HEARING

### Canal Corporation

Pursuant to Article 8 of the Environmental Conservation Law, the New York State Canal Corporation hereby gives notice of a virtual public hearing:

Date: July 14, 2021  
via electronic webinar  
Time: 10:00 a.m. and 7:00 p.m.  
Place: <https://nypa-gov.zoom.us/j/84562401069>  
Phone: +19294362866  
Access:  
Access Code: 84562401069#

Purpose: The purpose of the SEQR public hearing is to accept verbal comments on the New York State Canal Corporation's draft Generic Environmental Impact Statement ("DGEIS") for the adoption and implementation of a programmatic approach for maintaining earthen embankments ("Earthen Embankment Integrity Program" or "EEIP"). The EEIP formalizes management practices into a comprehensive systemwide program to reduce the risk of embankment failure due to erosion, seepage, or settlement. To implement the EEIP, NYSCC will document processes in a program guidebook ("Guidebook"). A draft of the DGEIS and Guidebook are available for public review and comment on the project's website at: [http://www.canals.ny.gov/Earthen\\_Embankment](http://www.canals.ny.gov/Earthen_Embankment)

Registration: To register for the virtual public statement hearing electronically: Participants who would like to provide verbal comments must register to do so by visiting [http://www.canals.ny.gov/Earthen\\_Embankment](http://www.canals.ny.gov/Earthen_Embankment) by July 13, 2021 and click EEIP Public Hearing Virtual Meeting Registration.

When logging into a hearing on July 14th at the appropriate hearing

time (Day or Evening), participants should visit <https://nypa-gov.zoom.us/j/84562401069>, click "Join" or "Launch Meeting". If joining by computer or mobile device, it is recommended that participants confirm system compatibility prior to the meeting date using the Zoom test meeting: <https://zoom.us/test>

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 verbal statement may register to do so by July 13, 2021 by calling (518) 433-6811 where they should provide: first and last name, address, and phone number. On July 14, 2021 at the appropriate time (Day or Evening), all call-in users should dial 1(929) 436-2866 and enter relevant access code listed above to join the hearing.

All electronic and call-in participants will be muted upon entry into the virtual hearing. The moderator 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 on the record have been made. Please note that written comments can be submitted by email at [NYSCC-Embankments@bergmannpc.com](mailto:NYSCC-Embankments@bergmannpc.com) until the close of the public comment period at 5 PM on August 6, 2021. Time limits during the public hearing may be set for each speaker as necessary to ensure all registered participants have an opportunity to provide verbal comments. It is recommended that lengthy comments be submitted in writing and summarized verbally during the public hearing. All comments, regardless of how they are submitted, will be treated equally and reviewed in advance of publication of the Final GEIS.

The public hearings will be recorded and posted on the project's website noted above and a verbatim transcript of the hearings will be made for inclusion in the SEQR record.

Close captioning services will be available during all virtual public statement hearings.

*For further information, contact:* Canal Corporation, 30 S. Pearl St., Albany, NY 12207, (518) 433-6811, [NYSCC-Embankments@bergmannpc.com](mailto:NYSCC-Embankments@bergmannpc.com)

## PUBLIC NOTICE

### Village of Amityville Deferred Compensation Plan

The Village of Amityville, NY is soliciting proposals from administrative service agencies relating to trust service, and administration and/or funding of a Deferred Compensation Plan for the employees of Village of Amityville, NY ("Village of Amityville Deferred Compensation Plan"). They must meet the requirements of section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

*A copy of the proposal questionnaire may be obtained from:* Village of Amityville Deferred Compensation Plan, Attn: Deirdre L. Parker, Deputy Village Clerk, Village of Amityville, 21 Ireland Pl., Amityville, NY 11701, 631-264-6000, ext. 402

All proposals must be received no later than 30 days from the date of publication of this notice in the New York State Register.

**PUBLIC NOTICE**

## Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for July 2021 will be conducted on July 14th and July 15th commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at: <https://www.cs.ny.gov/commission/>

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. One, Albany, NY 12239, (518) 473-6598

**PUBLIC NOTICE**

## Office of Fire Prevention and Control

Pursuant to Section 176-b of the Town Law, the Office of Fire Prevention and Control hereby gives notice of the following:

Application for Waiver of the Limitation of Non-resident Members of Volunteer Fire Companies

An application for a waiver of the requirements of paragraph a of subdivision 7 of section 176-b of the Town Law, which limits the membership of volunteer fire companies to forty-five per centum of the actual membership of the fire company, has been submitted by the Delmar Fire District, County of Albany.

Pursuant to section 176-b of the Town Law, the non-resident membership limit shall be waived provided that no adjacent fire department objects within sixty days of the publication of this notice.

Objections shall be made in writing, setting forth the reasons such waiver should not be granted, and shall be submitted to: Francis J. Nerney, Jr., State Fire Administrator, Office of Fire Prevention and Control, 1220 Washington Ave., Bldg. 7A, Fl. 2, Albany, NY 12226

Objections must be received by the State Fire Administrator within sixty days of the date of publication of this notice.

In cases where an objection is properly filed, the State Fire Administrator shall have the authority to grant a waiver upon consideration of (1) the difficulty of the fire company or district in retaining and recruiting adequate personnel; (2) any alternative means available to the fire company or district to address such difficulties; and (3) the impact of the waiver on adjacent fire departments.

For further information, please contact: Deputy Chief William H. Rifenburgh, Office of Fire Prevention and Control, 1220 Washington Ave., Bldg. 7A, Fl. 2, Albany, NY 12226, (518) 474-6746, [William.Rifenburgh@dhses.ny.gov](mailto:William.Rifenburgh@dhses.ny.gov)

**PUBLIC NOTICE**

## Department of Health

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

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for all services to comply with enacted statutory provisions. The following changes are proposed:

**Long Term Care Services**

Effective for rate periods on or after July 1, 2021, the case mix index used to adjust the direct component price will be based on all Medicaid-only case mix data submitted by NYS nursing facilities to CMS applicable to the previous six-month period (e.g., April – September for the January case mix adjustment; October – March for the July case mix adjustment). This amendment allows for the inclusion of all assessments submitted by nursing homes which will achieve a higher degree of accuracy in case mix reimbursement, and the reimbursement will be appropriate for the acuity levels.

The estimated annual net aggregate decrease in gross Medicaid expenditures attributable to the change in case mix methodology for State Fiscal Year 2022 is \$132 million.

The public is invited to review and comment on this proposed State

Plan Amendment, a copy of which will be available for public review on the Department's website at [http://www.health.ny.gov/regulations/state\\_plans/status](http://www.health.ny.gov/regulations/state_plans/status). Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

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

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

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

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

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

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

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

**PUBLIC NOTICE**

## Department of State

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

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for all services to comply with enacted statutory provisions. The following changes are proposed:

**Long Term Care Services**

Effective for rate periods on or after July 1, 2021, the case mix index used to adjust the direct component price will be based on all Medicaid-only case mix data submitted by NYS nursing facilities to CMS applicable to the previous six-month period (e.g., April – September for the January case mix adjustment; October – March for the July case mix adjustment). This amendment allows for the inclusion of all assessments submitted by nursing homes which will achieve a higher degree of accuracy in case mix reimbursement, and the reimbursement will be appropriate for the acuity levels.

The estimated annual net aggregate decrease in gross Medicaid expenditures attributable to the change in case mix methodology for State Fiscal Year 2022 is \$132 million.

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

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

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

**PUBLIC NOTICE**Department of State  
Program Change

STATEWIDE — Pursuant to 15 CFR 923, the New York State Department of State (DOS) hereby gives notice that the National



Oceanic and Atmospheric Administration’s Office for Coastal Management (OCM) concurred on May 25, 2021 on the incorporation of the Town of Marlborough Local Waterfront Revitalization Program (LWRP) into New York State’s Coastal Management Program as a Program Change. As of May 25, 2021, the enforceable policies identified in the Table of Approved Changes below shall be applicable in reviewing federal actions pursuant to the federal consistency requirements of the Coastal Zone Management Act (CZMA) and its implementing regulations found at 15 CFR part 930. DOS requested OCM’s concurrence on this action on March 31, 2021, in a previous notice in the New York State Register, which further described the content of the action.

The Town of Marlborough LWRP was prepared in partnership with DOS and in accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program. The LWRP is a long-term management program for the waterfront resources of the Town along the Hudson River and Lattintown Creek and is based on the policies of the New York State Coastal Management Program. The Town of Marlborough LWRP provides a detailed inventory and analysis of natural, historic and cultural resources in the Local Waterfront Revitalization Area in the Town, describes existing land and water uses, harbor management, and important economic activities, presents issues and opportunities for future development, and contains enforceable policies to be used for CZMA consistency review purposes.

Pursuant to the New York State Coastal Management Program and Article 42 of the New York State Executive Law, the Town of Marlborough LWRP was adopted by resolution by the Town of Marlborough Town Board on May 11, 2020 and approved by the New York State Secretary of State on November 12, 2020.

OCM’s concurrence includes the following list of changes and qualifications:

Table of Approved Changes to the New York Coastal Management Program (NY-2021-1)

Legal citation	Title of policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in state	Enforceable policy	Enforceable mechanism citation
Not applicable	Town of Marlborough Local Waterfront Revitalization Program (LWRP)	New	11/12/2020	Yes (Section III only)	Executive Law, Article 42

**Qualifications**

As with previous approvals of NY CMP LWRPs, the enforceable provisions of Section III are only the stated policies and sub-policies. The enforceable policies do not include the explanatory text that accompanies each policy. While the explanatory text may be advisory as to how activities can show consistency with the LWRP policies, the State may not use the explanatory text as a basis for issuing an objection under its CZMA authority. Please also note that for the review of federal actions pursuant to the CZMA, the requirements of the statute and implementing regulations at 15 CFR part 930 are controlling over any conflicting interpretation of the discussion of the CZMA federal consistency requirements within the Town of Marlborough LWRP.

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for CZMA federal consistency review purposes unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

The Town of Marlborough Local Waterfront Revitalization Program

is available at: <https://dos.ny.gov/local-waterfront-revitalization-program> on the website of the Department of State. *If you have any questions, please contact:* Barbara Kendall, Office of Planning, Development & Community Infrastructure, at [Barbara.Kendall@dos.ny.gov](mailto:Barbara.Kendall@dos.ny.gov)

**PUBLIC NOTICE**

Department of State  
F-2021-0102

Date of Issuance – June 23, 2021

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection on the New York State Department of State’s website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0102.pdf>

In F-2021-0102, or the “Kameitz Project”, the applicant – Lee Kamenitz proposes to install a 4’ x 30’ pier extension, 8-pile boat lift and 8’ x 20’ mooring float. The purpose of the project is for enhanced mooring for the property owner to have access to the water for water dependent activities. This project is proposed at 329 Harbor Drive in the Town of Hempstead, Nassau County on Reynolds Channel.

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., 30 days from the date of publication of this notice, or, July 23, 2021.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: [CR@dos.ny.gov](mailto:CR@dos.ny.gov)

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

**PUBLIC NOTICE**

Department of State  
F-2021-0233

Date of Issuance – June 23, 2021

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection on the New York State Department of State’s website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0233A.pdf> and

<http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0233B.pdf>

<http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0233C.pdf>

<http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0233D.pdf>

In F-2020-0233, or the “Port Ontario Harbor Dredging Project”, the applicant – New York State Office of General Services – proposes to dredge an area of ~1.4 acres total to an elevation of +235.3 feet, IGLD85 (-8.0 feet LWD) plus a 0.5 foot overdredge allowance. Dredged material will be placed in a nearshore placement area east of the east pier at elevations not to exceed +238.3 feet, IGLD85 (-5.0 feet, LWD). Material from the channel will be dredged by mechanical

methods, loaded onto transport scows and other equipment, and placed within the placement area. Dredging activities for the proposed project are scheduled to begin July 15th to avoid restrictive periods between May 15 and July 15 to protect warm water fisheries.

The purpose of the proposed project is to “dredge the federal navigation channel at Port Ontario Harbor to maintain navigation and place dredged material within the Lake Ontario littoral drift system”. The project will occur in the Port Ontario Harbor, in the Town of Richland, Oswego County on the Salmon River/Lake Ontario.

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, July 8, 2021.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

## PUBLIC NOTICE

Department of State  
F-2021-0283

Date of Issuance – June 23, 2021

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

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

In F-2021-0283 the applicant, Robert Hagopian, is proposing to place filter fabric, riprap, and boulders along the eroded banks of a cove approximately 18 feet into the water. A 4’ x 440’ area will be excavated 2’ deep to place toe stone, which will then be stacked to a height of approximately 8 feet. The purposed of this project is to repair damage from erosion, provide safe water access, and protect the future home site. This project is located at the lagoon at the end of Goldrick’s Landing Road, Town of Ulster, Ulster County, Hudson River.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/06/F-2021-0283.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 July 23, 2021.

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

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

## PUBLIC NOTICE

Department of State  
F-2021-0406

Date of Issuance – June 23, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of

the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

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

In F-2021-0406, Kenneth Felberbaum is proposing to construct 2’ x 4’ steps leading to a 4’ x 40’ fixed dock with an access ladder at the waterward terminus of the dock. The project is located on Mill Pond at 132 Mill Pond Lane, Water Mill, NY, 11976.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/06/F-2021-0406Felberbaum.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 July 23, 2021.

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

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

## PUBLIC NOTICE

Department of State  
F-2021-0413 (DA)

Date of Issuance – June 23, 2021

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

NOAA’s National Marine Fisheries Service (NMFS) has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant’s consistency determination and accompanying supporting 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.

This proposed rule to modify commercial and recreational management measures in the directed and incidental bluefin tuna (bluefin) fisheries in the Atlantic and Gulf of Mexico. The objectives of this Amendment 13 are: (1) Evaluate and optimize the allocation of U.S. bluefin quota among bluefin quota categories, considering historical allocations and use, and recent fishery characteristics and trends, and to provide U.S. fishing vessels with a reasonable opportunity to catch the U.S. quota established by ICCAT; facilitate the ability for active HMS directed permit categories to catch their full bluefin quota allocations, and facilitate directed fishing for species other than bluefin in the pelagic longline fishery while accounting for incidental bluefin catch; (2) Maintain flexibility of the regulations to account for the highly variable nature of the bluefin fisheries, and maintain fairness among permit/quota categories; (3) Continue to manage the Atlantic pelagic longline fishery consistent with the Individual Bluefin Quota (IBQ) Program objectives in Amendment 7 and consistent with the conservation and management objectives of the 2006 Consolidated HMS FMP and, its amendments, and consistent with all applicable laws; and (4) Modify the management of the pelagic longline fishery in response to the Three-Year Review of the IBQ Program, and in response to important relevant prevailing trends (e.g., declining fishing effort and revenue for target species).

The applicant’s consistency certification and supporting information are available for review at: [https://dos.ny.gov/system/files/documents/2021/06/F-2021-0413\(DA\)NOAA.pdf](https://dos.ny.gov/system/files/documents/2021/06/F-2021-0413(DA)NOAA.pdf)

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, July 8, 2021.

*Comments should be addressed to:* Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Ave., Suite, 1010, Albany, NY 12231, (518) 474-6000, Fax (518) 474-6572.

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

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0094: Matter of MTA, New York City Transit, Two Broadway, New York, NY 10004, for a variance concerning travel distance. Involved is an existing building located at the NYCT Hoyt- Schermerhorn Station (IND Line), City of New York, County of Brooklyn, State of New York.

2021-0286: Matter of Architectural Resources, Kevin Murrett, 505 Franklin Street, Buffalo, NY 14202, for a variance concerning plumbing fixtures. Involved is an existing building located at 75 New Scotland Avenue, City of Albany, State of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0282 Matter of Iqbal Baloch, 72 Peckham Avenue, Islip, NY 11751, for a variance concerning safety requirements, including the required ceiling height and the required height under a girder/soffit. Involved is an existing one-family dwelling located at 72 Peckham Avenue, Town of Islip, NY 11751, County of Suffolk, State of New York.

2021-0283 Matter of Brookhaven Expeditors, Andrew Malguarnera, 713 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 11 Liber Blvd., Farmingville, Town of Brookhaven, NY 11738, County of Suffolk, State of New York.

2021-0285 Matter of Jeffrey T. Butler, PE PC, Melissa Butler, 206 Lincoln Street, Riverhead, NY 11901, for a variance concerning safety requirements, including the required ceiling height and the required height under a girder/soffit. Involved is an existing one-family dwelling located at Three East End Road, Rocky Point, Town of Brookhaven, NY 11778, County of Suffolk, State of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless other-

wise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0284 In the matter of Christopher Lynch of Delta Engineers, Architects and Surveyors, 860 Hooper Road, Endwell, NY 13762, for a variance for multiple sections of the Building Code of New York State at the Greater Binghamton Sports Complex, 1500 Airport Road, Town of Union, Broome County, State of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0289 In the matter of Lucas Saltsman of C2C Construction Solutions LLC, 110 Lomond Place, Utica, NY 13502, for a variance for multiple sections of the Fire Code of New York State at the F X Matt Brewing Company, 830 Varick Street, City of Utica, Onieda County, State of New York.



# EXECUTIVE ORDERS

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**Executive Order No. 202.109: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find that a disaster continues to exist for which affected state agencies and local governments are unable to respond adequately. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, I hereby continue for thirty days the declaration of the State Disaster Emergency effective March 7, 2020, as set forth in Executive Order 202. This Executive order shall remain in effect through June 24, 2021.

IN ADDITION, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, do hereby continue the suspensions and modifications of law, unless superseded, modified or otherwise expired, made by Executive Order 202 and each successor Executive Order to 202, for thirty days through June 24, 2021.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-fifth day of May the year two thousand twenty-one.

*BY THE GOVERNOR*

*/S/ Andrew M. Cuomo*

*/s/ Melissa DeRosa*

*Secretary to the Governor*

