
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure
- Enforcement of Social Distancing Measures
- Hospital Personal Protective Equipment (PPE) Requirements

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 September 12, 2021
- the 45-day period expires on August 28, 2021
- the 30-day period expires on August 13, 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

Be a part of the rule making process!

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

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

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

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

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

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Albany, NY 12231-0001
Telephone: (518) 474-6957

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

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

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

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

Department of Civil Service

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-06-20-00004-A

Filing No. 786

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 positions in the non-competitive class.

Text or summary was published in the February 12, 2020 issue of the Register, I.D. No. CVS-06-20-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: 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-24-20-00002-A

Filing No. 780

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 classify a position in the exempt class.

Text or summary was published in the June 17, 2020 issue of the Register, I.D. No. CVS-24-20-00002-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-24-20-00003-A

Filing No. 773

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 positions in the non-competitive class.

Text or summary was published in the June 17, 2020 issue of the Register, I.D. No. CVS-24-20-00003-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-24-20-00004-A

Filing No. 787

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 positions in the non-competitive class.

Text or summary was published in the June 17, 2020 issue of the Register, I.D. No. CVS-24-20-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: 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-24-20-00005-A

Filing No. 777

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 June 17, 2020 issue of the Register, I.D. No. CVS-24-20-00005-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.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-24-20-00006-A

Filing No. 781

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 June 17, 2020 issue of the Register, I.D. No. CVS-24-20-00006-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-24-20-00007-A

Filing No. 783

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 positions in the non-competitive class.

Text or summary was published in the June 17, 2020 issue of the Register, I.D. No. CVS-24-20-00007-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-24-20-00009-A

Filing No. 790

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 positions in the non-competitive class.

Text or summary was published in the June 17, 2020 issue of the Register, I.D. No. CVS-24-20-00009-P.

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

Text of rule and any required statements and analyses may be obtained from: 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-24-20-00010-A

Filing No. 792

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 positions in the non-competitive class.

Text or summary was published in the June 17, 2020 issue of the Register, I.D. No. CVS-24-20-00010-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-28-20-00004-A

Filing No. 782

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 July 15, 2020 issue of the Register, I.D. No. CVS-28-20-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: 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-28-20-00006-A

Filing No. 789

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 a position in the exempt class.

Text or summary was published in the July 15, 2020 issue of the Register, I.D. No. CVS-28-20-00006-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-28-20-00007-A

Filing No. 779

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 the exempt class.

Text or summary was published in the July 15, 2020 issue of the Register, I.D. No. CVS-28-20-00007-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-28-20-00008-A

Filing No. 775

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 and classify positions in the non-competitive class.

Text or summary was published in the July 15, 2020 issue of the Register, I.D. No. CVS-28-20-00008-P.

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

Text of rule and any required statements and analyses may be obtained from: 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-28-20-00009-A

Filing No. 784

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 July 15, 2020 issue of the Register, I.D. No. CVS-28-20-00009-P.

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

Text of rule and any required statements and analyses may be obtained from: 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-28-20-00010-A

Filing No. 776

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 positions in the non-competitive class.

Text or summary was published in the July 15, 2020 issue of the Register, I.D. No. CVS-28-20-00010-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-28-20-00011-A

Filing No. 793

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 and classify positions in the non-competitive class.

Text or summary was published in the July 15, 2020 issue of the Register, I.D. No. CVS-28-20-00011-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-28-20-00012-A

Filing No. 791

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 positions in the non-competitive class.

Text or summary was published in the July 15, 2020 issue of the Register, I.D. No. CVS-28-20-00012-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-32-20-00003-A

Filing No. 794

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 a position in the exempt class.

Text or summary was published in the August 12, 2020 issue of the Register, I.D. No. CVS-32-20-00003-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-32-20-00004-A

Filing No. 785

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 classify positions in the exempt and the non-competitive classes.

Text or summary was published in the August 12, 2020 issue of the Register, I.D. No. CVS-32-20-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: 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-32-20-00006-A

Filing No. 778

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 a position in the exempt class.

Text or summary was published in the August 12, 2020 issue of the Register, I.D. No. CVS-32-20-00006-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-10-21-00001-A

Filing No. 795

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes.

Text or summary was published in the March 10, 2021 issue of the Register, I.D. No. CVS-10-21-00001-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-10-21-00002-A

Filing No. 772

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 classify a position in the exempt class and to classify a position in the non-competitive class.

Text or summary was published in the March 10, 2021 issue of the Register, I.D. No. CVS-10-21-00002-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-10-21-00003-A

Filing No. 788

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 a position in the exempt class.

Text or summary was published in the March 10, 2021 issue of the Register, I.D. No. CVS-10-21-00003-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-10-21-00004-A

Filing No. 774

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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 a position in the exempt class.

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

Department of Environmental Conservation

NOTICE OF ADOPTION**Regulations Governing Recreational Fishing for Striped Bass**

I.D. No. ENV-01-21-00003-A

Filing No. 803

Filing Date: 2021-07-02

Effective Date: 2021-07-14

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

Action taken: Amendments of Parts 10, 19 and 40 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303, 11-1521, 13-0105, 13-0339 and 13-0347

Subject: Regulations governing recreational fishing for striped bass.

Purpose: To require circle hooks when fishing recreationally for striped bass using bait.

Text or summary was published in the January 6, 2021 issue of the Register, I.D. No. ENV-01-21-00003-P.

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

Revised rule making(s) were previously published in the State Register on May 12, 2021

Text of rule and any required statements and analyses may be obtained from: Carol Hoffman, New York State Department of Environmental Conservation, Marine Resources, 205 N. Belle Mead Rd, Suite 1, East Setauket, NY 11733, (631) 444-0476, email: carol.hoffman@dec.ny.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 Department of Environmental Conservation (DEC) received seven letters and e-mails during the public comment period for the revised proposed rulemaking.

Comment: General support for the proposed rulemaking.

Comments were received from three (3) stakeholders expressing support for the proposal. One commenter stated that he has been using circle hooks for years, in both freshwater and saltwater, and that they worked very well.

DEC Response: DEC acknowledges these statements of support.

Comment: Opposition to the proposed rulemaking. Four (4) commenters opposed the rule. (Those comments are addressed in more detail below.)

DEC Response: Addendum VI to Amendment 6 of the Striped Bass Fishery Management Plan states that 49% of all striped bass that were removed from the population due to fishing in 2018 were attributed to recreationally caught fish that subsequently died after being released alive. Addendum VI implemented the mandatory use of circle hooks when fishing with bait in striped bass recreational fisheries because recreational release mortality contributes significantly to overall fishing mortality. The circle hook requirement is in addition to the other required regulatory revisions enacted in 2020 that were designed to reduce the removals of striped bass from the population by at least 18%.

Comment: One of the four opposition commenters suggested that DEC should instead ban commercial fishing.

DEC Response: DEC allows both commercial and recreational harvest of striped bass in New York. DEC is required by statute (ECL § 13-0105) to “optimize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for commercial and recreational fisheries.” The National Oceanographic and Atmospheric Administration estimated that commercial striped bass fishery in New York landed a dockside value of 2.2 million dollars in 2016, the latest year for which data are available.

Comment: One of the four opposition commenters stated that the rule was unnecessary because striped bass do not have teeth, and he could retrieve a J hook if the fish were gut hooked.

DEC Response: Even if a J hook could be retrieved from a gut-hooked striped bass, there could still be damage to its internal organs. Numerous scientific studies indicate that circle hooks decrease discard mortality as opposed to J-hooks (Caruso 2000; Lukacovic and Upohoff 2007; Millard et al. 2005).

References:

1. Caruso, P.G. 2000. A comparison of catch and release mortality and wounding for striped bass (*Morone saxatilis*), captured with two baited hook types. Completion report for Job 12, Sportfisheries Research Project (F-57-R), Commonwealth of Massachusetts Division of Marine Fisheries. 16 pp.

2. Lukacovic, R.L. and J.H. Upohoff. 2007. Recreational catch-and-release mortality of striped bass caught with bait in Chesapeake Bay. Maryland Department of Natural Resources Fisheries Technical Report Series No. 50. Annapolis, MD. 21 pp.

3. Millard, M.J., J.W. Mohler, A. Kahnle, and A. Cosman. 2005. Mortality associated with catch-and-release angling of striped bass in the Hudson River. *North American Journal of Fisheries Management* 25: 1533-1541.

Comment: One of the four opposition commenters (Riverkeeper) opposed the revised rule because they felt that excluding artificial lures from the circle hook requirement created a legal loophole. They were concerned that the revised rule would allow anglers to avoid the use of circle hooks by adding artificial adornments to a J-style hook. They were also concerned that exempting lures might lead to the ASMFC requiring further reductions in striped bass harvest. They supported the original proposed rulemaking which required the use of circle hooks with no exemptions.

DEC Response: ASMFC Addendum VI to Amendment 6 of the Striped Bass Fishery Management Plan contained two requirements: an 18% reduction in total removals of striped bass from the population; and the use of circle hooks when recreationally fishing with bait. Changes to NY striped bass fishing regulations (the slot size limit) adopted in 2020 were designed to reduce striped bass removals by at least 18%. Use of circle hooks helps to further reduce mortality in addition to the 18% removal reduction. In October 2020, the ASMFC approved state circle hook implementation plans with the caveat that no exemptions to the requirement would be permitted, in order to comply with Addendum VI to Amendment 6 of the Striped Bass Fishery Management Plan. The ASMFC and several states subsequently received questions and comments from the public about differing interpretations of the circle hook requirement. Based on the guidance of an Ad Hoc ASMFC Committee, the ASMFC Board met in March 2021 and considered and approved changes to the circle hook regulations for state implementation. Addendum VI was updated in May 2021, with clarification and guidance for state implementation of the Addendum VI circle hook measures for the recreational fishery, stating that the circle hook requirement shall not apply to any artificial lure with bait attached. The updated Addendum included a March 25, 2021 guidance memo explicitly stating that States must implement these (or more restrictive) circle hook measures for striped bass recreational fisheries in

2021 as part of Addendum VI compliance. The following points were also considered in adopting this rule: several artificial rigs are not manufactured with circle hooks; circle hooks are fished differently than standard J-hooks and may not work well with some lures/techniques; and actively fished artificial lures may result in fewer gut-hooked fish than statically fished baited hooks.

Department of Financial Services

EMERGENCY RULE MAKING

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

I.D. No. DFS-28-21-00006-E

Filing No. 767

Filing Date: 2021-06-25

Effective Date: 2021-06-25

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

Action taken: Amendment of section 52.76 of 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.

Specific reasons underlying the finding of necessity: More than 20 million doses of COVID-19 vaccines have been administered in New York and 70% of adults have received at least one dose of the vaccine. The rate of new COVID-19 cases in New York has decreased to under 1% and is the lowest level in the United States.

To continue this downward trend, it is essential to encourage those New Yorkers who have not yet been vaccinated to do so. Vaccinating as many New Yorkers as possible, especially those under 18 years old, is particularly important in light of the new variant strain of the virus, the delta variant, which has been classified as a variant of concern by the Centers for Disease Control and Prevention, that is spreading across the United States. The delta variant is a more transmissible and contagious form of COVID-19 and may cause more severe symptoms. As a result, it is essential that New Yorkers have coverage for COVID-19 immunizations and the administration thereof, including any visits necessary to obtain the immunization, so that there are no barriers for New Yorkers expeditiously obtaining the immunizations.

This amendment requires authorized insurers and health maintenance organizations that issue a policy or contract that provides hospital, surgical, or medical care coverage, excluding grandfathered health plans, to provide coverage, with no cost-sharing, of COVID-19 immunizations and the administration thereof immediately upon the earliest of the date on which: (1) the Centers for Disease Control and Prevention’s Advisory Committee on Immunization Practices issues a recommendation for the COVID-19 immunization; (2) the United States Preventive Services Taskforce issues a recommendation with an “A” or “B” rating for the COVID-19 immunization; or (3) the Superintendent of Financial Services (“Superintendent”) determines, in consultation with the Commissioner of Health, that a policy or contract must cover the COVID-19 immunization.

Given the public health implications of COVID-19, it is essential that there are no barriers to New Yorkers accessing COVID-19 immunizations. Failure to ensure coverage of COVID-19 immunizations and the administration thereof could jeopardize the health and safety of the people of New York.

To ensure that there are no barriers to New Yorkers accessing COVID-19 immunizations without cost-sharing, it is imperative that this amendment be promulgated on an emergency basis for the preservation of the public health.

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

Purpose: To require immediate coverage, without cost-sharing, for COVID-19 immunizations and the administration thereof.

Text of emergency rule: A new section 52.76(b) is added as follows:

(b)(1) Except as provided in paragraph (2) of this subdivision, a policy that provides hospital, surgical, or medical care coverage shall cover coronavirus disease 2019 (COVID-19) immunizations, and the administration thereof, immediately upon the earliest of the date on which:

(i) the advisory committee on immunization practices of the federal centers for disease control issues a recommendation for the COVID-19 immunization;

(ii) the United States preventive services task force issues a recommendation with an "A" or "B" rating for the COVID-19 immunization; or

(iii) the superintendent determines, in consultation with the commissioner of health, that a policy shall cover the COVID-19 immunization, COVID-19 immunizations, and administration thereof, including any visits necessary to obtain the immunizations, administered at a provider's office, facility, pharmacy, or other setting, including any provider or location authorized by this State or the federal government to administer or host the administration of the immunization, shall not be subject to annual deductibles, coinsurance, copayments, or any other out-of-pocket cost.

(2) The coverage required under paragraph (1) of this subdivision shall not be limited to COVID-19 immunizations, and the administration thereof, administered by participating providers and shall apply to such immunizations, and the administration thereof, administered by non-participating providers until the expiration of the federally declared public health emergency.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires September 22, 2021.

Text of rule and any required statements and analyses may be obtained

from: Colleen Rumsey, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-0154, email: Colleen.Rumsey@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority: Financial Services Law ("FSL") Sections 202 and 302 and Insurance Law ("IL") Sections 301, 3216, 3217, 3221, and 4303.

FSL Section 202 establishes the office of the Superintendent of Financial Services ("Superintendent").

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

IL Sections 3216, 3221, and 4303 set forth the standard provisions in individual, small group, large group, and blanket accident and health insurance policies and contracts. Specifically, Insurance Law Sections 3216(i)(17)(B)(ii) and (iii), 3221(l)(8)(B)(ii) and (iii), and 4303(j)(2)(B) and (C) require individual, group, and blanket policies or contracts that provide medical, major medical, or similar comprehensive-type coverage to cover an immunization, at no cost-sharing, for children who are 19 years old or younger if determined to be a necessary immunization by the Superintendent, in consultation with the Commissioner of Health. Insurance Law Sections 3216(i)(17)(E), 3221(l)(8)(E) and (F), and 4303(j)(3) further require individual, group, and blanket policies or contracts that provide hospital, surgical, or medical care coverage, except for a grandfathered health plan, to cover, at no cost-sharing, preventive care and screenings that have in effect a rating of "A" or "B" in the current recommendations of the United States Preventive Services Taskforce ("USPSTF") and immunizations that have in effect a recommendation from the Centers for Disease Control and Prevention's ("CDC's") Advisory Committee on Immunization Practices ("ACIP") regardless of the age of the recipient.

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

2. Legislative objectives: The statutory sections cited above establish the minimum standards for the form, content, and sale of accident and health insurance, including coverage for certain immunizations with no cost-sharing. This amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing sections of the IL by requiring coverage for coronavirus disease 2019 ("COVID-19") immunizations and the administration thereof immediately upon the earliest of the date on which: (1) the ACIP issues a recommendation for the COVID-19 immunization; (2) the USPSTF issues a recommendation with an "A" or "B" rating for the COVID-19 immunization; or (3) the Superintendent determines, in consultation with the Commissioner of Health, that a policy or contract must cover the COVID-19 immunization. This amendment also prohibits copayments, coinsurance, annual deductibles, and any other out-of-pocket costs for such immunizations and the administration thereof.

3. Needs and benefits: More than 20 million doses of COVID-19 vaccines have been administered in New York and 70% of adults have received at least one dose of the vaccine. The rate of new COVID-19 cases in New York has decreased to under 1% and is the lowest level in the United States. To continue this downward trend, it is essential to encourage those New Yorkers who have not yet been vaccinated to do so. Vaccinating as many New Yorkers as possible, especially those under 18 years old, is particularly important in light of the new variant strain of the virus,

the delta variant, which has been classified as a variant of concern by the Centers for Disease Control and Prevention, that is spreading across the United States. The delta variant is a more transmissible and contagious form of COVID-19 and may cause more severe symptoms. As a result, it is essential that New Yorkers have coverage for COVID-19 immunizations and the administration thereof, including any visits necessary to obtain the immunization, so that there are no barriers to New Yorkers expeditiously obtaining the immunizations.

This amendment requires authorized insurers and health maintenance organizations (collectively, "health care plans") that issue a policy or contract that provides hospital, surgical, or medical care coverage, except grandfathered health plans, to provide coverage of COVID-19 immunizations and the administration thereof immediately upon the earliest of the date on which: (1) the ACIP issues a recommendation for the COVID-19 immunization; (2) the USPSTF issues a recommendation with an "A" or "B" rating for the COVID-19 immunization; or (3) the Superintendent determines, in consultation with the Commissioner of Health, that a policy or contract must cover the COVID-19 immunization. Coverage for COVID-19 immunizations, and the administration thereof, and any visits necessary to obtain the immunizations at a provider's office, facility, pharmacy, or other setting, including any provider or location authorized by New York State or the federal government to administer or host the administration of the immunization, will not be subject to annual deductibles, coinsurance, copayments, or any other out-of-pocket cost. There will be coverage for COVID-19 immunizations administered by non-participating providers until the expiration of the federally declared public health emergency.

The federal Departments of Health and Human Services, Treasury, and Labor ("federal Departments") have issued Interim Final Rule 85 Fed. Reg. 71142 (November 6, 2020) ("federal rules") that address coverage for COVID-19 immunizations and their administration. The federal rules require COVID-19 immunizations and their administration to be covered when provided by out-of-network providers for the duration of the federal public health emergency for COVID-19. The federal rules state that reimbursement for out-of-network providers must be made in an amount that is reasonable, as determined by comparison to prevailing market rates for such services. The preamble to the federal rules indicates that the federal Departments will consider the amount of payment to be reasonable if the health care plan pays the provider the amount that would be paid under Medicare for the service, although the federal Departments are seeking comments on this approach. The Department of Financial Services ("Department") may address out-of-network provider reimbursement for COVID-19 immunizations and their administration in future rulemaking if the federal rules are finalized.

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. However, any costs should be minimal because health care plans submit policy and contract forms and rates as a part of the normal course of business.

This amendment does not impose any costs on providers.

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 may need to file new policy and contract forms and rates with the Superintendent.

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

7. Duplication: The federal Departments have issued federal rules interpreting the immunization requirements of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), codified at 15 U.S.C. Section 9001 et seq. The federal rules require issuers to cover COVID-19 immunizations and their administration with no cost-sharing under all non-grandfathered group and individual comprehensive health insurance policies and contracts when administered by providers enrolled in the CDC COVID-19 Vaccination Program.

The federal rules also require COVID-19 immunizations and their administration to be covered when provided by out-of-network providers for the duration of the federally declared public health emergency for COVID-19. The federal requirement for out-of-network coverage ends when the federally declared public health emergency is terminated.

Furthermore, the CARES Act requires coverage of any COVID-19 immunizations and their administration within 15 business days after the immunization has been recommended by ACIP.

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

9. Federal standards: The amendment exceeds the minimum standards of the federal government for this subject area. This amendment requires: (1) coverage for COVID-19 immunizations and the administration thereof at a provider's office, facility, pharmacy, or other setting, including any provider or location authorized by New York State or the federal government to administer or host the administration of the immunization; (2) coverage immediately upon certain triggering events; and (3) coverage for COVID-19 immunizations administered by non-participating providers until the expiration of the federally declared public health emergency.

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

Regulatory Flexibility Analysis

1. Effect of rule: This rule affects authorized insurers and health maintenance organizations (collectively, "health care plans") and providers. This amendment requires a policy or contract that provides hospital, surgical, or medical care coverage, excluding grandfathered health plans, to provide immediate coverage, without cost sharing, of COVID-19 immunizations and the administration thereof at a provider's office, facility, pharmacy, or other setting, including any provider or location authorized by New York State or the federal government to administer or host the administration of the immunization.

Industry has asserted 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 may be subject to reporting, recordkeeping, or other compliance requirements as the health care plan may need to file new policy or contract forms and rates with the Superintendent of Financial Services.

A provider that is a small business should not be subject to 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 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 may incur costs to comply with this amendment 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 and contract forms and rates as a part of the normal course of business.

This amendment does not impose any additional costs on a provider that is a small business.

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.

7. Small business and local government participation: The Department of Financial Services ("Department") notified trade associations representing 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 providers affected by this amendment operate in every county in New York 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 or 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 reporting, recordkeeping, or other compliance requirements.

A health care plan and 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 forms and rates as a part of the normal course of business.

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 trade associations representing health care plans that are 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. The amendment requires a policy or contract that provides hospital, surgical, or medical care coverage, excluding grandfathered health plans, to provide immediate coverage, without cost sharing, of COVID-19 immunizations and the administration thereof at a provider's office, facility, pharmacy, or other setting, including any provider or location authorized by New York State or the federal government to administer or host the administration of the immunization. As a result, there should be no impact on jobs or employment opportunities.

NOTICE OF ADOPTION

Independent Dispute Resolution for Emergency Services and Surprise Bills

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

Filing No. 760

Filing Date: 2021-06-23

Effective Date: 2021-08-13

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

Action taken: Amendment of Part 400 of Title 23 NYCRR.

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

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

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

Text or summary was published in the October 23, 2019 issue of the Register, I.D. No. DFS-43-19-00017-P.

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

Revised rule making(s) were previously published in the State Register on April 7, 2021.

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

Initial Review of Rule

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

Assessment of Public Comment

The New York State Department of Financial Services (the "Department") received comments from an association that represents insurers and health maintenance organizations ("health care plans"). The comments supported some provisions of the revised proposed regulation while requesting changes or expressing concern with other provisions.

Comment: The revised proposed regulation provides that an independent dispute resolution (“IDR”) entity (“IDRE”) must use the conditions and factors set forth in Financial Services Law § 604 when determining the reasonable fee and must consider any other information submitted by the parties. The commentor expressed concern that using one of the factors set forth in Financial Services Law § 604 – the usual and customary cost of the service (“UCR”) – allows out-of-network (“OON”) providers to maximize billing levels. The commentor argued that UCR has risen well above health care plans’ fee schedules and that OON charges are easily manipulated by OON providers who have refused to contract with health care plans. The commentor further argued that IDREs focus on the comparison between the payment made, the charges assessed, and UCR, rendering the remaining criteria in Financial Services Law § 604 largely irrelevant and resulting in the inflation of some OON providers’ bills. The commentor also expressed concern that reliance on UCR, when determining the reasonable fee, does not take into consideration the rates of Medicaid Managed Care and Medicare Advantage plans, causing these plans to pay fees that are not built into their premiums and that are unsustainable. The commentor recommended revising the regulation to equalize the emphasis on all criteria an IDRE should follow to determine the reasonable fee, which the commentor stated is especially important for cases involving Medicaid Managed Care and Medicare Advantage reviews.

Response: As the commentor points out, the conditions and factors that an IDRE must use when determining the reasonable fee in an IDR dispute are set forth in statute. Financial Services Law § 604 provides that, in determining the appropriate amount to pay for a health care service, an IDRE must consider all relevant factors, including, with respect to physician services, UCR. This means that an IDRE must consider UCR, but it is not bound by UCR. An IDRE must also consider all other relevant factors, including the other factors set forth in Financial Services Law § 604 and any other information submitted by the parties. The revised proposed regulation clarifies that an IDRE must consider any other information submitted by the parties when determining the reasonable fee. Therefore, it is already clear that an IDRE must consider all relevant factors, including UCR, the other factors set forth in Financial Services Law § 604, and any other information submitted by the parties when determining the reasonable fee. If a party wishes to submit for consideration the amount that is payable under a reimbursement methodology other than UCR, e.g., Medicare, the party may do so. Under Financial Services Law § 602, however, IDR is not applicable to Medicare Advantage plans or Medicaid Managed Care plans when physician fees are subject to schedules or other monetary limitations. Therefore, the Department did not make any changes in response to this comment.

Comment: The revised proposed regulation requires a health care plan that is a party to an IDR dispute to provide the patient’s coverage type to the IDRE. The commentor requested that the revised proposed regulation be revised further to reference the patient’s coverage type in the provision that specifies the conditions and factors that an IDRE must use when determining the reasonable fee and requested clarification that an IDRE should take the patient’s coverage type into consideration as an individual patient characteristic when analyzing the factors set forth in Financial Services Law § 604.

Response: As stated above, the conditions and factors that an IDRE must consider when determining the reasonable fee in an IDR dispute are set forth in statute. The patient’s coverage type is not one of the conditions or factors set forth in Financial Services Law § 604. However, the revised proposed regulation clarifies that an IDRE must consider any other information submitted by the parties when determining the reasonable fee, meaning that it can consider the patient’s coverage type if the coverage type is submitted by the health care plan. Therefore, the Department did not make any changes in response to this comment.

Comment: The revised proposed regulation requires that, with respect to disputes involving a health care plan, in determining a reasonable fee for the services rendered, an IDRE must select either the health care plan’s payment or best and final offer, if applicable, or the OON provider’s fee or best and final offer, if applicable. For disputes that do not involve a health care plan, the IDRE must determine a reasonable fee. The commentor encouraged the Department to adopt changes to make the regulation consistent with the federal No Surprises Act, which the commentor stated does not require the IDRE to choose between the health care plan’s payment or the provider’s fee.

Response: The federal No Surprises Act requires an IDRE to select either the offer submitted by the health care plan or the offer submitted by the OON provider. The revised proposed regulation, which is summarized in relevant part above, is consistent with the federal law. Therefore, the Department did not make any changes in response to this comment.

NOTICE OF ADOPTION

Enterprise Risk Management and Own Risk and Solvency Assessment

I.D. No. DFS-13-21-00001-A

Filing No. 761

Filing Date: 2021-06-23

Effective Date: 2021-08-13

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

Action taken: Amendment of Part 82 (Regulation 203) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 1501, 1503(b), 1604(b), 1702(f) and 1717(b)

Subject: Enterprise Risk Management and Own Risk and Solvency Assessment.

Purpose: To require an entity subject to the rule to describe its ERM function in its enterprise risk report, among other things.

Text or summary was published in the March 31, 2021 issue of the Register, I.D. No. DFS-13-21-00001-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The Department of Financial Services (“DFS”) received comments from a trade organization representing health plans (“health trade”) and a trade organization representing life insurance companies (“life trade”).

Comments: The health trade expressed its belief that the enterprise risk report and own risk and solvency assessment (“ORSA”) summary report are duplicative and asked that DFS add elements that are in the enterprise risk report requirement to the ORSA summary report requirement and eliminate the enterprise risk report requirement altogether.

The life trade questioned the need for the enterprise risk report, because Regulation 203 requires the submission of an ORSA summary report, and asked that DFS consider endorsing a possible amendment to the law to remove the enterprise risk reporting requirement.

Response: As explained in the regulatory impact statement, while there may be some overlap between the enterprise risk report and the ORSA summary report, the entities and domestic insurers that must submit an enterprise risk report to DFS are not exactly the same as the domestic insurers that must submit an ORSA summary report. The Insurance Law and Regulation 203 require an Article 15 ultimate holding company, authorized domestic insurer subject to Insurance Law Article 16, a parent corporation subject to Insurance Law Article 17, and certain domestic insurers that are not part of an Insurance Law Article 15, 16, or 17 system to submit an enterprise risk report to DFS. Regulation 203 requires a domestic insurer that meets a certain premium threshold (mainly a large insurer) to submit an ORSA summary report to DFS. While a domestic insurer may submit an ORSA summary report done at the holding company level, the domestic insurer is not required to do so. To the extent an entity or domestic insurer submits both an enterprise risk report and an ORSA summary report to DFS, the entity or domestic insurer may simply copy and paste any relevant language from the ORSA summary report into the enterprise risk report and vice versa.

In addition, the enterprise risk report requirement is set forth in the Insurance Law. The Legislature would need to pass a bill to repeal the enterprise risk report requirement – DFS cannot repeal the requirement on its own. Even so, the enterprise risk report requirement (in addition to the ORSA summary report requirement) is a National Association of Insurance Commissioners (“NAIC”) accreditation standard. DFS would jeopardize its NAIC accreditation status if it repealed the enterprise risk report requirement.

Therefore, DFS did not make any changes to the rule in response to the comments.

New York State Gaming Commission

NOTICE OF ADOPTION

Time, Place and Manner of Powerball Drawings

I.D. No. SGC-17-21-00001-A

Filing No. 796

Filing Date: 2021-06-29

Effective Date: 2021-07-14

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

Action taken: Amendment of section 5007.13(g) of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, section 104(1), (19); Tax Law, section 1604(a)

Subject: Time, place and manner of Powerball drawings.

Purpose: To provide that the time, place and manner of Powerball drawings will be as authorized by the Multi-State Lottery Association.

Text or summary was published in the April 28, 2021 issue of the Register, I.D. No. SGC-17-21-00001-P.

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

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

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2026, which is no later than the 5th year after the year in which this rule is being adopted

Assessment of Public Comment

The agency received no public comment.

Department of Health

EMERGENCY RULE MAKING

Enforcement of Social Distancing Measures

I.D. No. HLT-28-21-00001-E

Filing No. 759

Filing Date: 2021-06-23

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 Part 66 of Title 10 NYCRR.

Statutory authority: Public Health Law, sections 201, 206, 225; Executive Order 202

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

Specific reasons underlying the finding of necessity: The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a hospital and can be fatal. According to Johns Hopkins' Coronavirus Resource Center, to date, there have been over 163 million cases and 3 million deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

COVID-19 was found to be the cause of an outbreak of illness in Wuhan, Hubei Province, China in December 2019. Since then, the situation has rapidly evolved throughout the world, with many countries,

including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

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

New York State first identified cases on March 1, 2020 and has since become the national epicenter of the outbreak. On March 7, 2020, with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors. With over 600,000 deaths and over 33.5 million cases in the country, this pandemic has had a devastating effect on the United States. As part of ongoing efforts to address this pandemic, Governor Cuomo has issued Executive Orders to implement measures aimed at limiting the spread and/or mitigating the impact of COVID-19 within the state.

These regulations update previously filed emergency regulations to clarify that large-scale indoor event venues with over 5,000 attendees must ensure that their patrons who are not fully vaccinated wear face coverings and may deny admittance to those patrons who do not comply. In light of this situation, these regulations are necessary to further implement face covering measures to control the spread of communicable disease, in situations in which the Governor has declared a state disaster emergency.

Subject: Enforcement of Social Distancing Measures.

Purpose: To control and promote the control of communicable diseases to reduce their spread.

Text of emergency rule: The title of Part 66 is amended as follows:

Immunizations and Communicable Diseases

A new Subpart 66-3, titled COVID-19 Emergency Regulations, is added to read as follows:

66-3.1 Face-Coverings

(a) Any person who is over age two and able to medically tolerate a face-covering shall be required to cover their nose and mouth with a mask or face-covering when in a public place and unable to maintain, or when not maintaining, social distance, unless such person is fully vaccinated, meaning two or more weeks have elapsed since such person received the final dose of any COVID-19 vaccine approved by the United States Food and Drug Administration (FDA) or authorized by the FDA for emergency use; provided the person is not present in a pre-kindergarten to twelfth grade school, public transit, homeless shelter, correctional facility, nursing home, health care setting, or other setting where mask use is otherwise required by federal or state law or regulation.

(b) Any employee who is present in the workplace and who is not fully vaccinated shall be provided and shall wear a mask or face-covering when in direct contact with customers or members of the public, or when unable to maintain social distance. Employees of food service establishments who are not fully vaccinated must wear a mask or face-covering at all times while at their place of work. Businesses must provide, at their expense, such face coverings for their employees.

(c) large-scale indoor event venues with more than five thousand attendees shall require patrons who are not fully vaccinated to wear face coverings consistent with this section; may require all patrons to wear a face covering irrespective of vaccination status; and may deny admittance to any person who fails to comply. This regulation shall be applied in a manner consistent with the federal American with Disabilities Act, New York State or New York City Human Rights Law, and any other applicable provision of law.

(d) No business owner shall deny services to or discriminate against any person on the basis that such person elects to wear a mask that is designed to inhibit the transmission of COVID-19, but that is not designed to otherwise obscure the identity of the individual.

(e) For purposes of this section:

(i) Face-coverings shall include, but are not limited to, cloth masks, surgical masks, and N-95 respirators.

(ii) A person shall be considered as maintaining social distancing when keeping at least six feet distance between themselves and any other persons, other than members of such persons' household.

66-3.2 Penalties

A violation of any provision of this Subpart is subject to all civil and criminal penalties as provided for by law. Individuals or entities that

violate this Subpart are subject to a maximum fine of \$1,000 for each violation. For purposes of civil penalties, each day that an entity operates in a manner inconsistent with the Subpart shall constitute a separate violation under this Subpart.

A new section 2.60 is added to read as follows:

2.60. Enforcement of Social Distancing Measures.

For purposes of civil enforcement, the provisions of Subpart 66-3 of this Title are incorporated herein, and a violation of the provisions of Subpart 66-3 shall be deemed a violation of this Chapter. All local health officers shall take such steps as may be necessary to enforce the provisions of Subpart 66-3 in accordance with the Public Health Law and this Chapter.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires September 20, 2021.

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

Regulatory Impact Statement

Statutory Authority:

The statutory authority for adding a new Subpart 66-3 is sections 201 and 206 of the Public Health Law. The statutory authority for adding new section 2.60 is section 225 of the Public Health Law.

Legislative Objectives:

The legislative objective of PHL § 201 includes authorizing the New York State Department of Health (“Department”) to control and promote the control of communicable diseases to reduce their spread. Likewise, the legislative objective of PHL § 206 includes authorizing the Commissioner of Health to take cognizance of the interests of health and life of the people of the state, and of all matters pertaining thereto and exercise the functions, powers and duties of the department prescribed by law, including control of communicable diseases. The legislative objective of Public Health Law § 225 is, in part, to protect the public health by authorizing PHHPC, with the approval of the Commissioner, to amend the State Sanitary Code to address public health issues related to communicable disease.

Needs and Benefits:

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a hospital and can be fatal. According to Johns Hopkins’ Coronavirus Resource Center, to date, there have been over 177 million cases and 3.8 million deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

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

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

New York State first identified cases on March 1, 2020 and has since become the national epicenter of the outbreak. On March 7, 2020, with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors. With over 600,000 deaths and over 33.5 million cases in the country, this pandemic has had a devastating effect on the United States.

As part of ongoing efforts to address this pandemic, Governor Cuomo has issued Executive Orders to implement measures aimed at limiting the spread and/or mitigating the impact of COVID-19 within the state.

These regulations update previously filed emergency regulations to provide that large-scale indoor event venues that can accommodate over 5,000 attendees must ensure that their patrons who are not fully vaccinated wear face-coverings and may deny admittance to those patrons who do not comply.

These regulations are necessary to further implement measures to

control the spread of communicable disease, in situations in which the Governor has declared a state disaster emergency.

Costs:

Costs to Regulated Parties:

The purpose of this regulation is to codify certain provisions regarding face coverings that have been issued by Governor Andrew M. Cuomo through several Executive Orders. Accordingly, compliance with this regulation does not impose any additional costs to regulated parties.

Costs to Local and State Governments:

State and local government are authorized to enforce civil and criminal penalties related to the violation of these regulations, and there may be some cost of enforcement, however such costs are anticipated to be minimal as these provisions continue existing enforcement requirements.

Paperwork:

This regulation imposes no additional paperwork.

Local Government Mandates:

This regulation imposes no additional local mandates beyond what has already been required pursuant to Executive Orders.

Duplication:

The purpose of this regulation is to codify certain provision regarding face coverings that have been issued by Governor Andrew M. Cuomo through several Executive Orders. There is no duplication of federal law.

Alternatives:

The alternative would be to not codify provisions of Executive Orders into the Department’s regulations. However, this alternative was rejected, as the Department believes that codification will facilitate increased awareness and enforcement.

Federal Standards:

States and local governments have primary authority for controlling disease within their respective jurisdictions. Accordingly, there are no federal statutes or regulations that apply to disease control within NYS.

Compliance Schedule:

The regulations will become effective upon filing with the Department of State.

Regulatory Flexibility Analysis

Effect of Rule:

As part of ongoing efforts to address the COVID-19 pandemic, Governor Cuomo has issued Executive Orders to implement measures aimed at limiting the spread and/or mitigating the impact of COVID-19 within the state, that have a significant impact on small business and local government.

The purpose of this regulation is to codify certain provisions regarding face coverings that have been issued by Governor Andrew M. Cuomo through several Executive Orders. Accordingly, compliance with this regulation does not impose any additional costs to regulated parties.

Compliance Requirements:

These regulations update previously filed emergency regulations to clarify that large-scale indoor event venues with over 5,000 attendees must ensure that their patrons who are not fully vaccinated wear face-coverings and may deny admittance to those patrons who do not comply.

Professional Services:

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

Compliance Costs:

The purpose of this regulation is to codify certain provisions regarding face coverings that have been issued by Governor Andrew M. Cuomo through several Executive Orders. Accordingly, compliance with this regulation does not impose any additional costs to regulated parties.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

As the proposed regulations codify existing provisions regarding face coverings that have been issued by Governor Andrew M. Cuomo through several Executive Orders, any adverse impacts are expected to be minimal.

Small Business and Local Government Participation:

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

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

lages, individuals, institutions, communities, programs and such other entities or resources as are found therein.”

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

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

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

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

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

These regulations update previously filed emergency regulations to clarify that large-scale indoor event venues with over 5,000 attendees must ensure that their patrons who are not fully vaccinated wear face-coverings and may deny admittance to those patrons who do not comply.

Compliance Costs:

The purpose of this regulation is to codify certain provisions regarding face coverings that have been issued by Governor Andrew M. Cuomo through several Executive Orders. Accordingly, this regulation generally imposes no additional costs to regulated parties.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

As the proposed regulations codify existing provisions regarding face coverings that have been issued by Governor Andrew M. Cuomo through several Executive Orders, any adverse impacts are expected to be minimal.

Rural Area Participation:

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

Job Impact Statement

The Department of Health has determined that this regulatory change is necessary to prevent further complete closure of the businesses impacted, and therefore, while there may be lost revenue for many businesses, the public health impacts of continued spread of COVID-19 are much greater.

**EMERGENCY
RULE MAKING**

Hospital Personal Protective Equipment (PPE) Requirements

I.D. No. HLT-28-21-00002-E

Filing No. 763

Filing Date: 2021-06-24

Effective Date: 2021-06-24

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

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

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

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

Specific reasons underlying the finding of necessity: The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. According to Johns Hopkins’ Coronavirus Resource Center, as of June 14, 2021, there have been over 176 million cases and over 3.8 million deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Thereafter, the situation rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

New York State first identified cases on March 1, 2020 and thereafter became the national epicenter of the outbreak. In order for hospital staff to safely provide care for COVID-19 positive patients who require hospitalization, while ensuring that they themselves do not become infected with COVID-19, or any other communicable disease, it is critically important that personal protective equipment (PPE), including masks, gloves, respirators, face shields and gowns, is readily available and are used. As a result of global PPE shortages, New York State provided general hospitals and other medical facilities with PPE from the State’s emergency stockpile from the beginning of the COVID-19 outbreak.

Based on the foregoing, the Department has made the determination that this emergency regulation is necessary to ensure that all general hospitals maintain a 90-day supply of PPE, at a usage rate equal to the highest average rate of usage during the COVID-19 emergency, such that sufficient PPE is available in the event of a resurgence of the COVID-19 outbreak.

Subject: Hospital Personal Protective Equipment (PPE) Requirements.

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

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

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

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire August 8, 2021.

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

Regulatory Impact Statement

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

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

Needs and Benefits:
The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. According to Johns Hopkins' Coronavirus Resource Center, as of June 14, 2021, there have been over 176 million cases and close to 3.8 million deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Thereafter, the situation rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

New York State first identified cases on March 1, 2020 and thereafter became the national epicenter of the outbreak. On March 7, 2020, with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors.

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

Based on the foregoing, the Department has made the determination that this emergency regulation is necessary to ensure that all general hospitals maintain a 90-day supply of PPE, at a usage rate equal to the highest average rate of usage during the COVID-19 emergency, such that sufficient PPE is available in the event of a continuation or resurgence of the COVID-19 outbreak.

Costs:
Costs to Regulated Parties:
The purpose of this regulation is to require general hospitals to maintain adequate stockpiles of PPE. The initial cost to general hospitals as they establish stockpiles of PPE will vary depending on the number of staff working at each general hospital. However, as all stockpiled PPE is anticipated to be used as part of routine hospital operations, this regulation imposes no long-term additional costs to regulated parties.

Costs to Local and State Governments:
This regulation will not impact local or State governments unless they operate a general hospital, in which case costs will be the same as costs for private entities.

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

Paperwork:
This regulation imposes no addition paperwork.
Local Government Mandates:
General hospitals operated by local governments will be affected and will be subject to the same requirements as any other general hospital licensed under PHL Article 28.

Duplication:
These regulations do not duplicate any State or Federal rules.
Alternatives:

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

Federal Standards:
No federal standards apply to stockpiling of such equipment at hospitals.

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

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

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

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

Compliance Costs:
The purpose of this regulation is to require general hospitals to maintain adequate stockpiles of PPE. The initial cost to general hospitals as they establish stockpiles of PPE will vary depending on the number of staff working at each general hospital. However, as all stockpiled PPE is anticipated to be used as part of routine hospital operations, this regulation imposes no long-term additional costs to regulated parties.

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

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

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

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

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

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

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

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

There are 47 general hospitals located in rural areas.

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

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

Compliance Costs:

The purpose of this regulation is to require general hospitals to maintain adequate stockpiles of PPE. The initial cost to general hospitals as they establish stockpiles of PPE will vary depending on the number of staff working at each general hospital. However, as all stockpiled PPE is anticipated to be used as part of routine hospital operations, this regulation imposes no long-term additional costs to regulated parties.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

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

Rural Area Participation:

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

Job Impact Statement

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

**EMERGENCY
RULE MAKING**

Nursing Home Personal Protective Equipment (PPE) Requirements

I.D. No. HLT-28-21-00003-E

Filing No. 764

Filing Date: 2021-06-24

Effective Date: 2021-06-24

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

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

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

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

Specific reasons underlying the finding of necessity: The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. According to Johns Hopkins' Coronavirus Resource Center, as of June 14, 2021, there have been over 176 million cases and over 3.8 million deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Thereafter, the situation rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

New York State first identified cases on March 1, 2020 and thereafter

became the national epicenter of the outbreak. On March 7, 2020, with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors.

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

Based on the foregoing, the Department has made the determination that this emergency regulation is necessary to ensure that all nursing homes acquire and maintain a 60-day supply of PPE, at rate of usage equal the average daily rate that PPE was used between April 19, 2020 and April 27, 2020, such that sufficient PPE is available in the event of a continuation or resurgence of the COVID-19 outbreak.

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

Purpose: To ensure that all nursing homes maintain a 60-day supply of PPE during the COVID-19 emergency.

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

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

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire August 8, 2021.

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

Regulatory Impact Statement

Statutory Authority:

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

Legislative Objectives:

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

Needs and Benefits:

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. According to Johns Hopkins' Coronavirus Resource Center, as of June 14, 2021, there

have been over 176 million cases and over 3.8 million deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Thereafter, the situation rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

New York State first identified cases on March 1, 2020 and thereafter became the national epicenter of the outbreak. On March 7, 2020, with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors.

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

Based on the foregoing, the Department has made the determination that this emergency regulation is necessary to ensure that all nursing homes maintain a 60-day supply of PPE, at rate of usage equal the average daily rate that PPE was used between April 19, 2020 and April 27, 2020, such that sufficient PPE is available in the event of a resurgence of the COVID-19 outbreak.

Costs:

Costs to Regulated Parties:

The purpose of this regulation is to require nursing homes to maintain adequate stockpiles of PPE. The initial cost nursing homes as they establish stockpiles of PPE will vary depending on the number of staff working at each nursing home. However, nursing homes are statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12). Therefore, this regulation imposes no long-term additional costs to regulated parties.

Costs to Local and State Governments:

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

Costs to the Department of Health:

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

Paperwork:

This regulation imposes no addition paperwork.

Local Government Mandates:

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

Duplication:

These regulations do not duplicate any State or Federal rules.

Alternatives:

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

Federal Standards:

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

Compliance Schedule:

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

Regulatory Flexibility Analysis

Effect of Rule:

This regulation will not impact local governments or small businesses unless they operate a nursing home. To date, 79 nursing homes in New York qualify as small businesses given that they employ less than 100 staff.

Compliance Requirements:

These regulations require all nursing homes to purchase and maintain

adequate stockpiles of PPE, including but not limited to masks, respirators, face shields and gowns.

Professional Services:

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

Compliance Costs:

The purpose of this regulation is to require nursing homes to maintain adequate stockpiles of PPE. The initial cost to nursing homes as they establish stockpiles of PPE will vary depending on the number of staff working at each facility. However, nursing homes are statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12). Therefore, this regulation imposes no long-term additional costs to regulated parties.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

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

Small Business and Local Government Participation:

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

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

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

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

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

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

Licensed nursing homes are located in these identified rural areas.

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

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

Compliance Costs:

The purpose of this regulation is to require nursing homes to maintain adequate stockpiles of PPE. The initial cost to nursing homes as they establish stockpiles of PPE will vary depending on the number of staff working at each facility. However, nursing homes are statutorily obligated to maintain or contract to have at least a two-month supply of PPE pursuant to Public Health Law section 2803(12). Therefore, this regulation imposes no long-term additional costs to regulated parties.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

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

Rural Area Participation:

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

Job Impact Statement

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

EMERGENCY RULE MAKING

Surge and Flex Health Coordination System

I.D. No. HLT-28-21-00004-E

Filing No. 765

Filing Date: 2021-06-24

Effective Date: 2021-06-24

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

Action taken: Addition of sections 1.2, 700.5, Part 360; amendment of sections 400.1, 405.24, 1001.6 of Title 10 NYCRR; amendment of sections 487.3, 488.3 and 490.3 of Title 18 NYCRR.

Statutory authority: Public Health Law, sections 225, 576, 2800, 2803, 4662; Social Services Law, section 461

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

Specific reasons underlying the finding of necessity: During a state disaster emergency with significant public health impact, and where compliance with certain regulations may prevent, hinder or delay action necessary to cope with the disaster, as is the case with COVID-19, these proposed regulations will ensure that the State has the most efficient regulatory tools to facilitate the State's and regulated parties' response efforts to Surge and Flex the healthcare system statewide. Additionally, this authority will also ensure that the Department has the flexibility to impose additional requirements, where necessary, to ensure effective response to a declared state disaster emergency. Accordingly, these tools will help ensure the health and safety of patients and residents in New York State.

Subject: Surge and Flex Health Coordination System.

Purpose: Provides authority to the Commissioner to direct certain actions and waive certain regulations in an emergency.

Substance of emergency rule (Full text is posted at the following State website: www.health.ny.gov/Laws&Regulations/EmergencyRegulations):

Although the Governor retains authority to issue Executive Orders to temporarily suspend or modify regulations and issue directives pursuant to the Executive Law, these proposed regulatory amendments would provide an expedient and coherent plan to implement quickly the relevant temporary suspensions, modifications, and directives. The proposed regulatory amendments would permit the State Commissioner of Health or designee to take specific actions, as well as to temporarily suspend or modify certain regulatory provisions (or parts thereof) in Titles 10 and 18 of the NYCRR during a state disaster emergency, where such provisions are not required by statute or federal law. These proposed amendments would also permit the Commissioner to take certain actions, where consistent with any Executive Order (EO) issued by the Governor during a declared state disaster emergency. Examples include issuing directives to authorize and require clinical laboratories or hospitals to take certain actions consistent with any such EOs, as well as the temporary suspension or modification of additional regulatory provisions when the Governor temporarily suspends or modifies a controlling state statute.

The proposed regulatory amendments would also require hospitals to: develop disaster emergency response plans; maintain a 90-day supply of personal protective equipment (PPE); ensure that staff capable of working remotely are equipped and trained to do so; and report data as requested by the Commissioner.

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 August 8, 2021.

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

Regulatory Impact Statement

Statutory Authority:

The authority for the promulgation of these regulations with respect to facilities subject to Article 28 of the Public Health Law (PHL) is contained in PHL sections 2800 and 2803(2). PHL Article 28 (Hospitals), section 2800, specifies: "Hospital and related services including health-related service of the highest quality, efficiently provided and properly utilized at a reasonable cost, are of vital concern to the public health. In order to provide for the protection and promotion of the health of the inhabitants of the state, pursuant to section three of article seventeen of the constitution, the department of health shall have the central, comprehensive responsibility for the development and administration of the state's policy with respect to hospital and related services, and all public and private institutions, whether state, county, municipal, incorporated or not incorporated, serving principally as facilities for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition or for the rendering of health-related service shall be subject to the provisions of this article." PHL section 2801 defines the term "hospital" as also including residential health care facilities (nursing homes) and diagnostic and treatment centers (D&TCs). PHL section 2803(2) authorizes PHHPC to adopt and amend rules and regulations, subject to the approval of the Commissioner, to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of such health care facilities.

PHL section 4662 authorizes the Commissioner to issue regulations governing assisted living residences. Social Services Law (SSL) section 461(1) authorizes the Commissioner to promulgate regulations establishing standards applicable to adult care facilities. PHL section 576 authorizes the Commissioner to regulate clinical laboratories.

PHL section 225 authorizes the Public Health and Health Planning Council (PHHPC) and the Commissioner to establish and amend the State Sanitary Code (SSC) provisions related to any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York.

Upon the future declaration of any disaster emergency, any further authorization by the Governor pursuant to article 2-B of the Executive Law, if it should suspend any statutes which otherwise conflict with these regulations, will establish the immediate effectiveness of these provisions.

Legislative Objectives:

The objectives of PHL Article 28 include protecting the health of New York State residents by ensuring that they have access to safe, high-quality health services in medical facilities, while also protecting the health and safety of healthcare workers. Similarly, PHL Articles 36 and 40 ensure that the Department has the tools needed to achieve these goals in the home care and hospice spaces, and PHL section 4662 and SSL section 461 likewise ensure that the Department has appropriate regulatory authority with respect to assisted living residences and adult care facilities. PHL section 576 ensures that the Commissioner has appropriate regulatory authority over clinical laboratories. Finally, PHL section 225 ensures that the State Sanitary Code includes appropriate regulations in the areas of communicable disease control and environmental health, among others.

By permitting the Commissioner to temporarily suspend or modify regulatory provisions in each these areas, where not required by state statute or federal law, or where he is authorized by a gubernatorial Executive Order, these amendments provide crucial flexibility for this and future emergency response efforts.

Needs and Benefits:

During a state disaster emergency, Section 29-a of the Executive Law permits the Governor to, among other things, "temporarily suspend any statute, local law, ordinance, orders, rules, or regulations, or parts thereof, of any agency. . . if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the state disaster emergency."

Although the Governor retains authority to issue Executive Orders to temporarily suspend or modify regulations and issue directives pursuant to the Executive Law, these proposed regulatory amendments would provide

an expedient and coherent plan to implement quickly the relevant temporary suspensions, modifications, and directives. The proposed regulatory amendments would permit the State Commissioner of Health or designee to take specific actions, as well as to temporarily suspend or modify certain regulatory provisions (or parts thereof) in Titles 10 and 18 of the NYCRR during a state disaster emergency, where such provisions are not required by statute or federal law. These proposed amendments would also permit the Commissioner to take certain actions, where consistent with any Executive Order (EO) issued by the Governor during a declared state disaster emergency. Examples include issuing directives to authorize and require clinical laboratories or hospitals to take certain actions consistent with any such EOs, as well as the temporary suspension or modification of additional regulatory provisions when the Governor temporarily suspends or modifies a controlling state statute.

The proposed regulatory amendments would also require hospitals to: develop disaster emergency response plans; maintain a 90-day supply of personal protective equipment (PPE); ensure that staff capable of working remotely are equipped and trained to do so; and report data as requested by the Commissioner.

During a state disaster emergency with significant public health impact, and where compliance with certain regulations may prevent, hinder or delay action necessary to cope with the disaster, as is the case with COVID-19, this authority will ensure that the State has the most efficient regulatory tools to facilitate the State's and regulated parties' response efforts to Surge and Flex the healthcare system statewide. Additionally, this authority will also ensure that the Department has the flexibility to impose additional requirements, where necessary, to ensure effective response to a declared state disaster emergency. Accordingly, these tools will help ensure the health and safety of patients and residents in New York State.

Costs:

Costs to Regulated Parties:

As a significant portion of these regulatory amendments would give the State Commissioner of Health authority to temporarily suspend or modify certain regulations within Titles 10 and 18 of the NYCRR during a state disaster emergency, these regulatory amendments are not expected to result in any significant costs to regulated parties.

To the extent that additional requirements are imposed on regulated parties by these proposed regulatory amendments, most requirements would be in effect only for the duration of a declared state disaster emergency, thereby limiting costs.

Costs to Local Governments:

As a significant portion of these regulatory amendments would give the Commissioner authority to temporarily suspend or modify certain regulations within Titles 10 and 18 of the NYCRR during a state disaster emergency, these regulatory amendments are not expected to result in any significant costs to regulated parties, including facilities operated by local governments.

To the extent additional requirements are imposed on local governments that operate facilities regulated by the Department, most requirements would be in effect only for the duration of a declared state disaster emergency, thereby limiting costs.

Cost to State Government:

The administration and oversight of these planning and response activities will be managed within the Department's existing resources.

Paperwork:

It is not anticipated that the proposed regulatory amendments will impose any significant paperwork requirements. Although these proposed amendments require additional reporting, these reports can be submitted electronically using the current platforms that facilities are already using. Moreover, such reporting requirements would only be activated during a declared state disaster emergency, thereby limiting the burden.

Local Government Mandates:

Facilities operated by local governments will subject to the same requirements as any other regulated facility, as described above.

Duplication:

These proposed regulatory amendments do not duplicate state or federal rules.

Alternatives:

The alternative would be to not promulgate the regulation. However, this alternative was rejected, as the Department believes that these regulatory amendments are necessary to facilitate response to a state disaster emergency.

Federal Standards:

42 CFR 482.15 establishes emergency preparedness minimum standards in four core areas including emergency planning, development of applicable policies and procedures, communications plan, and training and testing. These proposed amendments would complement the federal regulation and further strengthen hospitals' emergency preparedness and response programs.

Compliance Schedule:

These regulatory amendments will become effective upon filing with the Department of State.

Regulatory Flexibility Analysis

Effect of Rule:

The proposed regulatory amendments would primarily affect health care professionals, licensed health care facilities, permitted clinical laboratories, emergency medical service personnel, providers, and agencies, and pharmacies.

Compliance Requirements:

A significant portion of these regulatory amendments are designed to provide regulatory relief during a declared state disaster emergency. Where the regulatory amendments would impose requirements, most of them would only be applicable when there is a declared state disaster emergency. An example of a requirement that may be implemented during a declared state disaster emergency is reporting of data and inventory as requested by the Commissioner (i.e. medical supplies and equipment, as well as hospital bed capacity, bed utilization, patient demographics, etc.). There are certain ongoing requirements proposed by this regulatory amendments, which would apply regardless of whether there is a declared state disaster emergency, in which hospitals would be required to: (1) maintain minimum levels of PPE; (2) ensure work from home capabilities; and (3) develop disaster emergency response plans.

Professional Services:

It is not expected that any professional services will be required to comply with the proposed regulatory amendments.

Compliance Costs:

As a significant portion of these regulatory amendments would give the State Commissioner of Health authority to temporarily suspend or modify certain regulations within Titles 10 and 18 during a state disaster emergency, these regulatory amendments are not expected to result in any significant costs to small businesses and local governments.

To the extent additional requirements are imposed on small businesses and local governments by these proposed regulatory amendments, most requirements would only be in effect for the duration of a declared state disaster emergency, thereby limiting costs. Ongoing costs requiring hospitals to maintain a minimum PPE supply and ensure work from home capabilities should have been addressed throughout the ongoing COVID-19 pandemic, thereby limiting costs of continued implementation. Ongoing costs related to hospital development of disaster emergency response plan will complement and build upon existing planning documents that hospitals are already required to have, which also limits costs.

Economic and Technological Feasibility:

There are no economic or technological impediments to the proposed regulatory amendments.

Minimizing Adverse Impact:

Although the proposed regulatory amendments impose some additional requirements on regulated parties, most of these requirements are only triggered during a declared state disaster emergency. Proposed amendments that would impose ongoing requirements would only apply to hospitals, and as noted above, will largely be a continuation of the efforts already being employed by these entities.

Small Business and Local Government Participation:

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

Rural Area Flexibility Analysis

Types and Number of Rural Areas:

Although this rule applies uniformly throughout the state, including rural areas, for the purposes of this Rural Area Flexibility Analysis (RAFA), "rural area" means areas of the state defined by Exec. Law § 481(7) (SAPA § 102(10)). Per Exec. Law § 481(7), rural areas are defined as "counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, and programs and such other entities or resources found therein. In counties of two hundred thousand or greater population 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and as are found therein." The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010:

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County

Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

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

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

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

A significant portion of these regulatory amendments are designed to provide regulatory relief during a declared state disaster emergency. Where the regulatory amendments would impose requirements, most of them would only be applicable when there is a declared state disaster emergency. An example of a requirement that may be implemented during a declared state disaster emergency is reporting of data and inventory as requested by the Commissioner (i.e. medical supplies and equipment, hospital bed capacity, bed utilization, patient demographics, etc.). There are certain ongoing requirements proposed by this regulatory amendments, regardless of whether there is a declared state disaster emergency, in which hospitals would be required to: (1) maintain minimum levels of PPE; (2) ensure work from home capabilities; and (3) develop disaster emergency response plans.

It is not expected that any professional services will be required to comply with the proposed regulatory amendments.

Compliance Costs:

As a large part of these regulatory amendments would give the State Commissioner of Health authority to temporarily suspend or modify certain regulations within Titles 10 and 18 during a state disaster emergency, these regulatory amendments are not expected to result in any significant costs to public and private entities in rural areas.

To the extent additional requirements are imposed on public and private entities in rural areas by these proposed regulatory amendments, such requirements would only be in effect for the duration of a declared state disaster emergency.

Lastly, per SAPA § 202-bb(3)(c), it is not anticipated that there will be any significant variation in cost for different types of public and private entities in rural areas.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

Although the proposed regulatory amendments impose additional requirements on regulated parties, including those in rural areas, most of these requirements are only triggered during a declared state disaster emergency. Proposed amendments that would require disaster emergency preparedness planning on the part of regulated parties will complement and build upon existing state and federal planning requirements.

Rural Area Participation:

Due to the emergency nature of COVID-19, parties representing rural areas were not consulted in the initial draft. However, parties representing rural may submit comments during the notice and comment period for the proposed regulations.

Job Impact Statement

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

**EMERGENCY
RULE MAKING**

COVID-19 Vaccinations of Nursing Home and Adult Care Facility Residents and Personnel

I.D. No. HLT-28-21-00005-E

Filing No. 766

Filing Date: 2021-06-24

Effective Date: 2021-06-24

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

Action taken: Addition of Subpart 66-4 to Title 10 NYCRR.

Statutory authority: Public Health Law, sections 201, 206, 2803; Social Services Law, sections 461, 461-e; Executive Orders 202, 202.86 and 202.88

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

Specific reasons underlying the finding of necessity: The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. According to Johns Hopkins' Coronavirus Resource Center, to date, there have been over 179 million cases and over 3.8 million deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

Given the disproportionate adverse health impacts of COVID-19 for older adults and those with comorbidities, many of whom reside in New York's nursing homes and ACFs, it is imperative that nursing homes and ACFs facilitate the prompt vaccination of its residents. Moreover, in order to ensure that nursing home and ACF personnel can safely provide resident care, it is critically important that nursing homes offer continued COVID-19 vaccinations on-site for their current and new personnel and that ACFs arrange for their current and new personnel to receive the COVID-19 vaccine at an off-site location, such as a local pharmacy.

Based on the foregoing, the Department has made the determination that this emergency regulation is necessary to best protect the residents of New York's nursing homes and ACFs.

Subject: COVID-19 Vaccinations of Nursing Home and Adult Care Facility Residents and Personnel.

Purpose: To require nursing homes and adult care facilities to conduct ongoing COVID-19 vaccinations of their residents and personnel.

Text of emergency rule: A new Subpart 66-4, titled COVID-19 Nursing Home and Adult Care Facility Vaccination Program, is added to read as follows:

66-4.1. Requirements for Nursing Homes

(a) *Within fourteen days of the effective date of this regulation, every nursing home regulated pursuant to Part 415 of this Title shall offer all consenting, unvaccinated existing personnel and residents an opportunity to receive the first or any required next dose of the COVID-19 vaccine.*

(b) *The operator and administrator of every nursing home regulated pursuant to Part 415 of this Title must ensure that all new personnel, including employees and contract staff, and every new resident and resident readmitted to the facility has an opportunity to receive the first or any required next dose of the COVID-19 vaccine within fourteen days of having been hired by or admitted or readmitted to such facility, as applicable.*

(c) *The requirement to ensure that all new and current personnel and residents have an opportunity to receive the COVID-19 vaccination, as set forth in subdivisions (a) and (b) of this section, shall include, but not be limited to:*

(1) *Posting conspicuous signage throughout the facility, including at points of entry and exit and each residential hallway, reminding personnel and residents that the facility offers COVID-19 vaccination;*

(2) *Providing all personnel and residents who decline to be vaccinated a written affirmation for their signature, which indicates that they were offered the opportunity for a COVID-19 vaccination but declined. Such affirmation must state that the signatory is aware that, if they later decide to be vaccinated for COVID-19, it is their responsibility to request vaccination from the facility. The facility shall maintain signed affirmations on file at the facility and make such forms available at the request of the Department; and*

(3) *Certifying to the Department, in a manner and frequency prescribed by the Commissioner, but in no event more often than weekly, that the facility has proactively offered all new unvaccinated residents and*

personnel an opportunity to obtain the COVID-19 vaccine within fourteen days of being hired, admitted, or readmitted.

66-4.2. Requirements for Adult Care Facilities

(a) Within seven days of the effective date of this regulation, the operator and administrator of every adult care facility regulated pursuant to Parts 487, 488 and 490 of Title 18 of the NYCRR and Part 1001 of this Title shall make diligent efforts to arrange for all consenting, unvaccinated existing personnel and residents to register for a vaccine appointment, and shall document attempts to schedule and methods used to schedule the vaccine in the individual's personnel file or case management notes, as applicable.

(b) The operator and administrator of every adult care facility regulated pursuant to Parts 487, 488 and 490 of Title 18 of the NYCRR and Part 1001 of this Title must arrange for the COVID-19 vaccination, including the first or any required next dose, of all new personnel, including employees and contract staff, and every new resident and resident readmitted to the facility. The requirement to arrange for COVID-19 vaccination of such personnel and residents shall include, but not be limited to:

(1) For residents:

(i) during the pre-admission screening process, and in no event after the first day of admission or readmission, the adult care facility shall screen the prospective or newly-admitted or readmitted resident for COVID-19 vaccine eligibility, including whether any first doses of the vaccine were previously administered, and whether the resident is interested in obtaining the COVID-19 vaccine. Such information shall be documented with the resident's pre-admission screening information and, if admitted, retained in the resident's case management records; and

(ii) within seven days of admission or readmission, the facility shall make diligent efforts to schedule all consenting and eligible new or readmitted residents for the COVID-19 vaccination. The facility must document attempts to schedule and methods used to schedule the vaccine appointment in the resident's case management notes.

(2) For personnel:

(i) during the pre-employment screening process, the facility shall solicit information from the prospective personnel regarding their vaccination status, including whether any first doses of the vaccine were previously administered, and whether the prospective personnel is interested in obtaining the COVID-19 vaccine. Such information must be documented with the personnel's pre-employment screening information and, if hired, retained in the personnel file; provided, however, that nothing in this paragraph shall be construed to require an adult care facility to make any hiring determination based upon the prospective personnel's COVID-19 vaccination status, history, or interest in COVID-19 vaccination; and

(ii) within seven days of hiring new personnel, the facility shall make diligent efforts to schedule all consenting and eligible new personnel for the COVID-19 vaccination. The facility must document attempts to schedule and methods used to schedule the vaccine appointment in the individual's personnel file; and

(3) Certifying to the Department, in a manner and frequency prescribed by the Commissioner, but in no event more often than weekly, that the facility has proactively arranged for all new unvaccinated residents and personnel an opportunity to obtain the COVID-19 vaccine within seven days of being hired, admitted, or readmitted.

(c) The facility shall further provide all current and new personnel and residents who decline to be vaccinated a written affirmation for their signature, which indicates that they were offered the opportunity for the facility to arrange for a COVID-19 vaccination, but declined. Such affirmation must state that the signatory is aware that, if they later decide to be vaccinated for COVID-19, it is their responsibility to request the facility arrange for their vaccination. The facility shall maintain signed affirmations on file at the facility and make such forms available at the request of the Department.

66-4.3. Penalties.

(a) A violation of any provision of this Subpart shall be subject to penalties in accordance with sections 12 and 12-b of the Public Health Law.

(b) For adult care facilities, failure to arrange for the vaccination of every facility resident and personnel as set forth in section 66-4.3 of this Part constitutes a "failure in systemic practices and procedures" under Social Services Law 460-d(7)(b)(2)(iii) and pursuant to 18 NYCRR 486.5(a)(4)(v).

(c) In addition to any monetary penalties or referral for criminal investigation to appropriate entities, the Department shall be empowered to immediately take custody and control of such vaccine at a nursing home and re-allocate to another provider.

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 August 8, 2021.

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

Regulatory Impact Statement

Statutory Authority:

The statutory authority is provided under sections 201, 206, and 2803 of the Public Health Law (PHL) and sections 461 and 461-e of the Social Services Law (SSL).

PHL § 201 authorizes the New York State Department of Health (Department) to control and promote the control of communicable diseases to reduce their spread. Likewise, PHL § 206 authorizes the Commissioner of Health to take cognizance of the interests of health and life of the people of the state, and of all matters pertaining thereto and exercise the functions, powers and duties of the department prescribed by law, including control of communicable diseases.

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

SSL § 461 requires the Department to promulgate regulations establishing general standards applicable to Adult Care Facilities. SSL § 461-e authorizes the Department to promulgate regulations to require adult care facilities to maintain certain records with respect to the facilities residents and the operation of the facility.

Legislative Objectives:

The legislative objectives of PHL §§ 201 and 206 are to protect the health and life of the people of the State of New York, including by controlling the spread of communicable diseases. The legislative objectives of PHL Article 28, including PHL § 2803, include the efficient provision and proper utilization of health services of the highest quality. The legislative objective of SSL § 461 is to promote the health and well-being of residents of adult care facilities. Collectively, the legislative purpose of these statutes is to protect the residents of New York's long-term care facilities by providing safe, efficient, and adequate care.

Needs and Benefits:

These regulations are necessary to prevent the spread of COVID-19 in nursing homes and adult care facilities and to help ensure the health and life of residents of nursing homes and ACFs by requiring such congregate care facilities to offer or arrange for consenting residents and personnel to receive the COVID-19 vaccine. This requirement will help ensure residents are less likely to suffer a COVID-related death or severe illness and that fewer staff test positive for COVID-19.

COVID-19 is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. According to Johns Hopkins' Coronavirus Resource Center, to date, there have been over 179 million cases and over 3.8 million deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

Given the disproportionate adverse health impacts of COVID-19 for older adults and those with comorbidities, many of whom reside in New York's nursing homes and ACFs, it is imperative that nursing homes and ACFs facilitate the prompt vaccination of its residents. Moreover, in order to ensure that nursing home and ACF personnel can safely provide resident care, it is critically important that nursing homes offer continued COVID-19 vaccinations on-site for their current and new personnel and that ACFs arrange for their current and new personnel to receive the COVID-19 vaccine at an off-site location, such as a pharmacy.

Based on the foregoing, the Department has made the determination that this emergency regulation is necessary to best protect the residents of New York's nursing homes and ACFs.

Costs:

Costs to Regulated Parties:

The purpose of this regulation is to require nursing homes and ACFs to promptly coordinate the COVID-19 vaccination of their residents and personnel. For nursing homes, costs are expected to be minimal given that the COVID-19 vaccine is provided free of charge, and Medicare reimbursement is available to help Medicare-enrolled nursing homes cover administrative costs; specifically, pursuant to April 2, 2021 guidance from the Centers for Medicare & Medicaid Services (CMS), "starting on March 15, 2021, for single dose COVID-19 vaccines, Medicare pays approximately \$40 for its administration. Starting on March 15, 2021, for COVID-19 vaccines requiring multiple doses, Medicare pays approximately \$40 for each dose in the series."

For ACFs, costs to facilities are minimal to none, as ACFs will be responsible for arranging vaccinations at off-site locations, such as a local pharmacy. Many ACFs have vehicles which can be used for necessary transport, but there may be minimal costs associated with transportation, particularly if the distance to the vaccination site is great and/or if the ACF does not readily have access to a vehicle.

Costs to Local and State Governments:

This regulation will not impact local or State governments unless they operate a nursing home or ACF, in which case costs will be the same as costs for private entities. Currently, there are 21 nursing homes operated by local governments (counties and municipalities) and 6 nursing homes operated by the State. Additionally, there are currently two adult care facilities operated by county governments.

Costs to the Department of Health:

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

Paperwork:

This regulation imposes no additional paperwork. Although the regulation requires recordkeeping by facilities, including documentation in personnel files and resident clinical or case management records, these records must already be maintained by facilities.

Local Government Mandates:

Nursing homes and ACFs operated by local governments will be affected and will be subject to the same requirements as any other nursing home licensed under PHL Article 28 or ACF licensed under SSL Article 7, Title 2.

Duplication:

These regulations do not duplicate any State or federal rules.

Alternatives:

The Department believes that promulgation of this regulation is the most effective means of ensuring that nursing homes and ACFs adequately ensure their residents and personnel are vaccinated against COVID-19. Accordingly, the alternative of not issuing these regulations was rejected.

Federal Standards:

No federal standards apply.

Compliance Schedule:

The regulations will become effective upon filing with the Department of State.

Regulatory Flexibility Analysis

Effect of Rule:

This regulation will not impact local governments or small businesses unless they operate a nursing home or ACF. Currently, there are 21 nursing homes operated by local governments (counties and municipalities) and 6 nursing homes operated by the State. Additionally, there are currently two ACFs operated by county governments (Chenango and Warren Counties).

Additionally, to date, 79 nursing homes in New York qualify as small businesses given that they have 100 or fewer employees. There are also 483 ACFs that have 100 or fewer employees and therefore qualify as small businesses.

Compliance Requirements:

This regulation primarily requires nursing homes and ACFs to promptly coordinate the COVID-19 vaccination of their residents and personnel. Specifically, nursing homes will be required to offer ongoing COVID-19 vaccinations at the facility, and ACFs will be responsible for arranging vaccinations at off-site locations, such as State-run vaccination sites or a local pharmacy. Additionally, nursing homes and ACFs will be required to certify to the Department that the facility has proactively arranged for or offered, as applicable, all new unvaccinated residents and personnel an opportunity to obtain the COVID-19 vaccine within the prescribed period of time. The regulation also requires facilities to provide all current and new personnel and residents who decline to be vaccinated a written affirmation for their signature, which indicates that they were offered the opportunity for the facility to arrange for or offer, as applicable, a COVID-19 vaccination, but they declined. Further, nursing homes are required to post conspicuous signage throughout the facility reminding personnel and residents that the facility offers COVID-19 vaccinations.

Professional Services:

No professional services are required by this regulation. However, nursing homes may choose to partner with a pharmacy to offer COVID-19 vaccinations for personnel and residents of the facility, rather than receiving and administering the vaccine directly.

Compliance Costs:

This regulation requires nursing homes and ACFs to promptly coordinate the COVID-19 vaccination of their residents and personnel. Specifically, nursing homes will be required to offer ongoing COVID-19 vaccinations at the facility, and ACFs will be responsible for arranging vaccinations at off-site locations, such as a local pharmacy. For nursing homes, costs are expected to be minimal given that the COVID-19 vaccine is provided free of charge, and Medicare reimbursement is available to help Medicare-enrolled nursing homes cover administrative costs; specifically, pursuant to April 2, 2021 guidance from the Centers for Medicare & Medicaid Services (CMS), "starting on March 15, 2021, for single dose COVID-19 vaccines, Medicare pays approximately \$40 for its administration. Starting on March 15, 2021, for COVID-19 vaccines requiring multiple doses, Medicare pays approximately \$40 for each dose in the series."

For ACFs, costs to facilities are minimal to none, as ACFs will be responsible for arranging vaccinations at off-site locations, such as a local pharmacy. Many ACFs have vehicles which can be used for necessary transport, but there may be minimal costs associated with transportation particularly if the distance to the vaccination site is great and/or if the ACF does not readily have access to a vehicle.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

This regulation is consistent with the existing responsibilities nursing homes and ACFs have to maintain the health and safety of residents, ensure sufficient staffing levels, and ensure staff are free from communicable diseases. Therefore, any adverse impacts are expected to be minimal and are outweighed by the regulation's health and safety benefits to residents and staff.

Small Business and Local Government Participation:

Due to the urgent need to ensure ACF and NH staff and residents are vaccinated as soon as possible, small business and local governments were not directly consulted. However, the Department will notify such entities of the existence of these regulations and the opportunity to submit comments or questions to the Department.

Cure Period:

This regulation does not include a cure period given the serious threat the COVID-19 virus causes to all New Yorkers, particularly those residing in nursing homes and adult care facilities, considering such residents' age and comorbidities. As detailed more fully within the regulations, nursing homes and adult care facilities will have 14 and 7 days, respectively, to offer vaccinations to residents and staff. The Department finds these 14- and 7-day periods to comply with the regulatory requirements are sufficient to ensure facilities can establish or revise their vaccination policies and procedures, while balancing the urgent need to protect facility residents and personnel from this dangerous disease.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

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

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

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

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

Erie County

Onondaga County

Both licensed nursing homes and ACFs are located in these identified rural areas.

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

This regulation imposes no additional paperwork. Although the regulation requires recordkeeping by facilities, including documentation in personnel files and resident clinical or case management records, these records must already be maintained by facilities. Additionally, no professional services are required by this regulation. However, nursing homes may choose to partner with a pharmacy to offer COVID-19 vaccinations for personnel and residents of the facility, rather than receiving and administering the vaccine directly.

Compliance Costs:

This regulation requires nursing homes and ACFs to promptly coordinate the COVID-19 vaccination of their residents and personnel. Specifically, nursing homes will be required to offer ongoing COVID-19 vaccinations at the facility, and ACFs will be responsible for arranging vaccinations at off-site locations, such as a local pharmacy. For nursing homes, costs are expected to be minimal given that the COVID-19 vaccine is provided free of charge, and Medicare reimbursement is available to help Medicare-enrolled nursing homes cover administrative costs; specifically, pursuant to April 2, 2021 guidance from the Centers for Medicare & Medicaid Services (CMS), "starting on March 15, 2021, for single dose COVID-19 vaccines, Medicare pays approximately \$40 for its administration. Starting on March 15, 2021, for COVID-19 vaccines requiring multiple doses, Medicare pays approximately \$40 for each dose in the series."

For ACFs, costs to facilities are minimal to none, as ACFs will be responsible for arranging vaccinations at off-site locations, such as a local pharmacy. Many ACFs have vehicles which can be used for necessary transport, but there may be minimal costs associated with transportation particularly if the distance to the vaccination site is great and/or if the ACF does not readily have access to a vehicle.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

This regulation is consistent with the existing responsibilities nursing homes and ACFs have to maintain the health and safety of residents, ensure sufficient staffing levels, and ensure staff are free from communicable diseases. Therefore, any adverse impacts are expected to be minimal and are outweighed by the regulation's health and safety benefits to residents and staff.

Rural Area Participation:

Due to the urgent need to ensure ACF and NH staff and residents are vaccinated as soon as possible given the seriousness of the COVID-19 virus on this population, facilities located in rural areas were not directly consulted. However, the Department will notify covered entities located in rural areas of the existence of these regulations and the opportunity to submit comments or questions to the Department.

Job Impact Statement

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

**EMERGENCY
RULE MAKING**

Telehealth Services

I.D. No. HLT-28-21-00007-E

Filing No. 769

Filing Date: 2021-06-25

Effective Date: 2021-06-25

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

Action taken: Addition of Part 538 to Title 18 NYCRR.

Statutory authority: Public Health Law, sections 2999-cc(2)(y), (4) and 2999-ee

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

Specific reasons underlying the finding of necessity: These regulations must be promulgated on an emergency basis to continue certain telehealth

flexibilities that were authorized during the State public health emergency and to avoid a disruption in certain health care services provided to Medicaid enrollees once the public health emergency ends. During the public health emergency, pursuant to Executive Orders which waived certain New York State laws and regulatory requirements related to telehealth, all eligible Medicaid providers were authorized to utilize telehealth, including audio-only telephone or other audio-only technology. This regulation is required to authorize Medicaid providers to continue to provide services pursuant to the same flexibilities afforded during the public health emergency until permanent regulations are able to be promulgated.

Subject: Telehealth Services.

Purpose: To ensure continuity of care of telehealth services provided to Medicaid enrollees.

Text of emergency rule: Pursuant to the authority vested in the Commissioner of Health by sections 2999-cc(2)(y) and (4) and 2999-ee of the Public Health Law, Article 4 of Subchapter E of Chapter II of Title 18 (Social Services) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, to be effective on filing with the Secretary of State, by adding Part 538 to read as follows:

PART 538 State Reimbursement for Telehealth Services

Section 538.1 Authorized providers. For purposes of medical assistance reimbursement during the federally declared public health emergency related to the COVID-19 pandemic, all Medicaid providers authorized to provide in-person services are authorized to provide such services via telehealth, as long as such telehealth services are appropriate to meet a patient's health care needs and are within a provider's scope of practice.

Section 538.2 Acceptable telehealth modalities. In addition to the telehealth modalities set forth in section 2999-cc of the public health law, reimbursement shall be made for telehealth services provided by use of telephone and other audio-only technologies.

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 September 22, 2021.

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

Regulatory Impact Statement

Statutory Authority:

Public Health Law section 2999-cc(2)(y) provides the Commissioner of Health with the authority to determine, in consultation with the Commissioners of the Office of Mental Health, the Office of Addiction Services and Supports, or the Office for People with Developmental Disabilities, other categories of providers authorized to provide telehealth services.

Public Health Law section 2999-cc(4) requires promulgation of regulations to cover the modality of audio-only telephone communication as telehealth in the medical assistance and child health insurance programs.

Public Health Law section 2999-ee provides the Commissioner of Health with the authority to specify in regulation additional acceptable modalities for the delivery of health care services via telehealth, including audio-only telephone communications, in consultation with the Commissioners of the Office of Children and Family Services, the Office of Mental Health, the Office of Addiction Services and Supports, or the Office for People with Developmental Disabilities.

Legislative Objectives:

The legislative objective is to provide the Commissioner of Health with authority to determine the appropriate providers and modalities of telehealth necessary to increase access to health care services for Medicaid enrollees, especially for behavioral health, oral health, maternity care, care management, services provided in emergency departments and services provided to certain high-need populations.

Needs and Benefits:

These regulatory amendments are needed to ensure continuity of care provided to Medicaid enrollees during the transition from telehealth services provided during the public health emergency and after the public health emergency ends. During the public health emergency, pursuant to Executive Orders that waived certain New York State laws and regulatory requirements related to telehealth, all Medicaid providers were authorized to utilize telehealth, including audio-only telephone or other audio-only technology. Since these Executive Orders expired on June 24, 2021, this regulation is required to authorize Medicaid providers to continuously provide services pursuant to these flexibilities to ensure continuity of care.

During the course of the public health emergency, Medicaid providers have adopted widespread use of telehealth, including through audio-only telephonic modalities and other audio-only technologies, as a means of delivering services to Medicaid beneficiaries. Providers have reported that this expansion of telehealth has improved access to care, improved patient

experience, and improved provider satisfaction. Telehealth also has the potential to improve patient outcomes, although measurement of these outcomes requires further research. Furthermore, expanded use of telehealth during the pandemic has resulted in Medicaid program savings related to avoidance of emergency room and urgent care visits, and decreased utilization of Medicaid-covered non-emergency medical transportation services.

As many of these flexibilities are intended to be made permanent after the public health emergency through enactment of regulations by the Department, and given that Centers for Medicare and Medicaid Services has authorized continued use of telehealth through modalities that align with Article 29-G of the Public Health Law, the Department is issuing these emergency regulations in order to ensure ongoing and continuous access to telehealth services for Medicaid members. This continuous access is particularly important for members of the Medicaid population who are unable to access services in person, or who continue to be at risk for COVID-19, because they are ineligible for the vaccine, including children under age 12 and individuals for whom the vaccine is currently medically contraindicated.

Costs to Regulated Parties:

There are no costs imposed on regulated parties by these regulations because the amendments provide reimbursement for health care services provided via telehealth.

Costs to the Administering Agencies, the State, and Local Governments:

Costs to administering agencies and the State associated with these amendments will be covered by existing State budget appropriations and anticipated federal financial participation. There are no costs imposed on local governments by these regulations because the amendments provide reimbursement for health care services provided via telehealth.

Local Government Mandates:

The proposed regulations do not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

The proposed regulations impose minimal paperwork requirements on regulated parties to claim Medicaid reimbursement for telehealth services provided to Medicaid enrollees.

Duplication:

There are no other State or Federal requirements that duplicate, overlap, or conflict with the statute and the proposed regulations.

Alternatives:

The Department considered the option of not promulgating these emergency regulations, which would create an abrupt halt to certain telehealth flexibilities authorized during the public health emergency and which have proven vital to Medicaid members. In consultation with the Office of Mental Health and Office of Addiction Services and Supports, the Department determined that providing continuity of care to Medicaid enrollees during the transition is a public health priority and as such, decided to move forward with these emergency regulations.

Federal Standards:

There are no minimum Federal standards regarding this subject.

Compliance Schedule:

These amendments shall be effective on filing with the Secretary of State.

Regulatory Flexibility Analysis

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

Cure Period:

Chapter 524 of the Laws of 2011 requires agencies to include a "cure period" or other opportunity for ameliorative action to prevent the imposition of penalties on the party or parties subject to enforcement when developing a regulation or explain in the Regulatory Flexibility Analysis why one was not included. This regulation creates no new penalty or sanction. Hence, a cure period is not necessary.

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse impact on rural areas, and it does not impose any new reporting, record keeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

No job impact statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. It is apparent, from the nature of the proposed amendment, that it will not have an adverse impact on jobs and employment opportunities.

NOTICE OF ADOPTION

Rate Setting for Residential Habilitation in Community Residences and for Non-State Providers of Day Habilitation

I.D. No. HLT-07-21-00012-A

Filing No. 762

Filing Date: 2021-06-23

Effective Date: 2021-07-14

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

Action taken: Amendment of Subpart 86-10 of Title 10 NYCRR.

Statutory authority: Social Services Law, sections 363-a, 365-a(2)(c), 365-n(7); Public Health Law, sections 201(1)(v) and 206

Subject: Rate Setting for Residential Habilitation in Community Residences and for Non-State Providers of Day Habilitation.

Purpose: To amend rate methodologies limiting payments to IRA providers to conform to provisions in approved waiver.

Text or summary was published in the February 17, 2021 issue of the Register, I.D. No. HLT-07-21-00012-P.

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

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

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

Comment: Some Respondents claimed that the proposed actions relating to the occupancy adjustments and changes to payments for retainer days and therapeutic leave described in the regulations would violate the American Rescue Plan Act of 2021 ("ARPA").

Response: The federal American Rescue Plan Act of 2021 allows participating states to receive a 10% enhanced FMAP for HCBS services if the states use the funds "to supplement, and not supplant, the level of State funds expended for home and community-based services for eligible individuals through programs in effect as of April 1, 2021." This provision does not prevent implementation of the proposed regulations. These proposed regulations are the final implementation of OPWDD's most recent amendment to its 1915(c) Comprehensive HCBS Waiver, which was approved by the Centers for Medicare and Medicaid Services ("CMS") with an effective date of October 1, 2020, well before the enactment of ARPA in March of 2021. The actions in these proposed regulations were drafted and approved under deliberations that did not and could not include the ARPA funds. ARPA funds will, in fact, supplement the level of State funds as the funds related to these actions were already set when ARPA was enacted.

Comment: One Respondent expressed concern that the funding actions would affect instances when a residential staff member accompanies a person receiving services in a hospital and claimed that New York did not avail itself of federal funding made available for this purpose.

Response: There was no additional federal funding that targeted HCBS services provided by a staff member to a person admitted to a hospital. Hospitals are required to be appropriately staffed to meet the needs of admitted individuals regardless of disability status.

Comment: Some Respondents claimed that the funding actions were contrary to federal inclusion law and the requirements of the Mental Hygiene Law.

Response: The funding actions were approved after review by CMS and are not inconsistent with the Mental Hygiene Law as these actions preserve essential community-based services by addressing funding to providers at times when services are not being provided to individuals.

Comment: Two Respondents claimed that the rate actions would affect the ability of individuals to choose when they could leave their provider-operated residence to make overnight visits to family.

Response: The ability of individuals to choose when they visit family is not affected by the funding actions. Individuals who are told otherwise by providers should contact OPWDD.

Comment: Respondents expressed concerns about the proposed funding adjustments for Supervised Residential Habilitation services including the draft revisions to reimbursement for Retainer Days, Vacancy Days, Therapy Days and elimination of the Occupancy Adjustment. These concerns included:

- Negative impact on people receiving services particularly those who are older or have complex needs;
- Implementation will result in a loss of revenue for agencies, risk the closure of residences and effectuate agencies going out of business which decreases freedom of choice and community living access;
- Proposed changes do not reflect agencies' true costs as costs do not decrease when one person is absent from the residence and in cases of hospitalization the increased costs related to a person's discharge planning and advocacy during the hospital stay;
- Increasing staff turnover and failing to acknowledge staff's role during the COVID emergency;
- Implementation will result in a loss of revenue for agencies, risk the closure of residences, reduce the quality and effectiveness of care and treatment, and result in agencies going out of business, decreasing individual freedom of choice and community living access.

Respondents suggested that the funding adjustments be paused until OPWDD completes a review of its rate methodologies or rejected altogether due to the federal aid received by the State of New York.

Response: These regulations implement OPWDD's most recent amendment to its 1915(c) Comprehensive HCBS Waiver, which was approved by the Centers for Medicare and Medicaid Services ("CMS") with an effective date of October 1, 2020, and are reflected in the appropriations in the approved New York State 2021-2022 Budget. As previously indicated in the response to public comment to that Waiver amendment, OPWDD concluded that by targeting payments for the non-delivery of services rather than implementing reductions to rates paid for services delivered, OPWDD would best be able to preserve essential community-based services while also achieving the required budget savings.

Comment: Some comments assumed that the proposed regulations were associated with OPWDD's series of Appendix K emergency waivers, which were approved by CMS during the COVID-19 public health emergency.

Response: The proposed regulations are not associated with OPWDD's Appendix K waivers. The proposed regulations implement actions from Amendment 03 to OPWDD's Comprehensive Home and Community-Based Services (HCBS) 1915(c) Waiver, which was approved by CMS in September 2020.

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

Public Water Systems

I.D. No. HLT-28-21-00018-P

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

Proposed Action: This is a consensus rule making to amend Subpart 5-1 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 225

Subject: Public Water Systems.

Purpose: To correct typographic and minor technical errors to obtain primacy for the implementation of Federal drinking water regulations.

Substance of proposed rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>): These amendments are necessary for the Department to maintain full primacy for delivery, oversight and management of New York's public drinking water supply supervision program and to ensure consistency with federally enacted drinking water regulations promulgated by the United States Environmental Protection Agency (EPA). The amendments update tables for consistency with federal and State requirements, update outdated references, and correct typographical errors.

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

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

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

Consensus Rule Making Determination

Statutory Authority:

The Public Health and Health Planning Council, subject to the approval of the Commissioner of Health, is authorized by section 225 of the Public Health Law to establish, and from time to time, amend and repeal sanitary regulations, known as the sanitary code of the State of New York.

Basis:

The proposed regulatory change is non-substantive and non-

controversial. The proposed amendment of 10 NYCRR Subpart 5-1 "Public Water Systems" of the State Sanitary code will correct typographic errors, update references and make minor technical revisions to conform the regulation with federal requirements to obtain primacy for the implementation and enforcement of federal drinking water regulations from U.S. Environmental Protection Agency.

Job Impact Statement

The Department of Health has determined that the proposed revisions will not have substantial adverse impact on jobs or employment opportunities. These correct mainly typographic errors and do not change the requirements water systems need to follow to implement the regulation.

Long Island Power Authority

NOTICE OF ADOPTION

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

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

Filing Date: 2021-06-29

Effective Date: 2021-07-01

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

Action taken: The Long Island Power Authority (LIPA) adopted modifications to its Tariff for Electric Service effective July 1, 2021, to increase the cap on LIPA customer participation in the NYSEDA Green Jobs Green New York (GJGNY) On-Bill Loan Installment program.

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

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

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

Text or summary was published in the April 7, 2021 issue of the Register, I.D. No. LPA-14-21-00010-P.

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

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

Revised Regulatory Impact Statement

A revised regulatory impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Regulatory Flexibility Analysis

A revised regulatory flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Rural Area Flexibility Analysis

A revised rural area flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Job Impact Statement

A revised job impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Assessment of Public Comment

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

Public Service Commission

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-07-20-00008-A

Filing Date: 2021-06-23

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: On 6/23/21, the PSC adopted an order approving London Terrance Tower Owners, Inc.'s (London Terrance Tower) notice of intent to submeter electricity at 405 West 23rd 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: Submetering of electricity.

Purpose: To approve London Terrance Tower's notice of intent to submeter electricity.

Text or summary was published in the February 19, 2020 issue of the Register, I.D. No. PSC-07-20-00008-P.

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

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

Assessment of Public Comment

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

(19-E-0586SA1)

NOTICE OF ADOPTION

Petition for Funding Authorization to Procure Resources

I.D. No. PSC-37-20-00006-A

Filing Date: 2021-06-23

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: On 6/23/21, the PSC adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s (Con Edison) petition for funding to procure additional resources to help address peak gas demand days in Westchester, New York.

Statutory authority: Public Service Law, sections 5, 5(2), 65 and 66

Subject: Petition for funding authorization to procure resources.

Purpose: To approve, with modifications, Con Edison's petition for funding to procure additional resources.

Text or summary was published in the September 16, 2020 issue of the Register, I.D. No. PSC-37-20-00006-P.

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

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

Assessment of Public Comment

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

(19-G-0066SA2)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-47-20-00007-A

Filing Date: 2021-06-23

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: On 6/23/21, the PSC adopted an order approving 646 11th Owner LLC's (646 11th Owner) petition to submeter electricity at 545 West 47th 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: Submetering of electricity.

Purpose: To approve 646 11th Owner's petition to submeter electricity.

Text or summary was published in the November 25, 2020 issue of the Register, I.D. No. PSC-47-20-00007-P.

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

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

Assessment of Public Comment

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

(20-E-0389SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-48-20-00004-A

Filing Date: 2021-06-23

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: On 6/23/21, the PSC adopted an order approving 130 William Street Associates, LLC's (130 William Street) petition to submeter electricity at 130 William 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: Submetering of electricity.

Purpose: To approve 130 William Street's petition to submeter electricity.

Text or summary was published in the December 2, 2020 issue of the Register, I.D. No. PSC-48-20-00004-P.

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

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

Assessment of Public Comment

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

(20-E-0363SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-52-20-00009-A

Filing Date: 2021-06-23

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: On 6/23/21, the PSC adopted an order approving CJ Plaza

One LLC's (CJ Plaza One) notice of intent to submeter electricity at 147-40 Archer Avenue, Jamaica, New York.

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

Subject: Submetering of electricity.

Purpose: To approve CJ Plaza One's notice of intent to submeter electricity.

Text or summary was published in the December 30, 2020 issue of the Register, I.D. No. PSC-52-20-00009-P.

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

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

Assessment of Public Comment

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

(20-E-0502SA1)

NOTICE OF ADOPTION

Petition for Waiver

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

Filing Date: 2021-06-28

Effective Date: 2021-06-28

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

Action taken: On 6/28/21, the PSC adopted an order approving Verizon New York Inc.'s (Verizon) petition for limited waivers of the Commission's rules in 16 NYCRR sections 895.5(b)(3) and 890.91(b)(1) in connection with an amendment of a cable television franchise.

Statutory authority: Public Service Law, sections 215 and 216

Subject: Petition for waiver.

Purpose: To approve Verizon's petition for limited waivers in connection with an amendment of a cable television franchise.

Substance of final rule: The Commission, on June 28, 2021, adopted an order approving Verizon New York Inc.'s (Verizon) petition for limited waivers of the Commission's rules related to cable service installations within certain types of buildings in New York City in 16 NYCRR §§ 895.5(b)(3) and 890.91(b)(1) in connection with Verizon's application for an amendment of its cable television franchise with the City of New York (New York, Bronx, Queens, Kings, and Richmond Counties). The waivers are approved for non-standard installation requests only, consistent with the discussion in the body of the order. Standard installation requests remain subject to the limited rule waivers granted in the 2008 Order and the existing Franchise Agreement's requirements, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(08-V-0624SA1)

NOTICE OF ADOPTION

Petition for Extension of Gas Demand Response Pilot Program

I.D. No. PSC-10-21-00009-A

Filing Date: 2021-06-23

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: On 6/23/21, the PSC adopted an order approving Consoli-

dated Edison Company of New York, Inc.'s (Con Edison) petition to extend its Gas Demand Response Pilot Program, by one year through March 31, 2022.

Statutory authority: Public Service Law, sections 5, (2), 65 and 66

Subject: Petition for extension of Gas Demand Response Pilot Program.

Purpose: To approve Con Edison's petition for the extension of its Gas Demand Response Pilot Program.

Text or summary was published in the March 10, 2021 issue of the Register, I.D. No. PSC-10-21-00009-P.

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

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

Assessment of Public Comment

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

(17-G-0606SA8)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Street Lighting Facilities

I.D. No. PSC-28-21-00011-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 New York State Electric & Gas Corporation to transfer certain street lighting facilities to the Town of Ithaca, Tompkins County, New York.

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

Subject: Transfer of street lighting facilities.

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

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on June 11, 2021 by New York State Electric & Gas Corporation (NYSEG or the Company), requesting authorization to transfer ownership of certain street lighting facilities installed throughout the Town of Ithaca (Town) to the Town.

The street lighting facilities consist of a system of street lighting poles, luminaires, lamps, mast arms, electrical connections, and wiring. 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, the original cost of the facilities was approximately \$223,976 and the net book value, is \$66,448, as of December 31, 2020. The Company proposes to transfer the ownership of the street lighting facilities to the Town for approximately \$80,398. Upon the closing date of the sale, the Town will become solely responsible and liable for the operation, maintenance, and condition of the street lighting 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. 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-0335SP1)

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

Transfer of Ownership Interests in a 55 Megawatt Natural Gas-Fired Cogeneration Facility Located in North Tonawanda, NY

I.D. No. PSC-28-21-00012-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 petition by Fortistar North Tonawanda LLC and Digihost International Inc. to transfer interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY.

Statutory authority: Public Service Law, sections 70 and 83

Subject: Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY.

Purpose: To address the proposed transfer and any matters within the public interest.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition, filed on April 15, 2021, by Fortistar North Tonawanda LLC (FNT) and Digihost International Inc. (Digihost) (collectively, the Petitioners), which seeks a declaratory ruling that the proposed transfer of the upstream ownership interests in FNT requires no further review under Sections 70 and 83 of the New York State Public Service Law (PSL).

Specifically, Digihost would acquire, from North Tonawanda Holdings, 100% of the membership interests in FNT. As a result, Digihost would indirectly own all of the ownership interests of FNT, which is the direct owner of a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY (the Facility) that is subject to the Commission's lightened regulation. In the alternative, the Petitioners request that the Commission approve the transfer under PSL Sections 70 and 83 and any other statutory or regulatory provision deemed applicable.

The Petitioners note that the Facility currently sells energy, capacity, and ancillary services exclusively at wholesale, and indicate that there would be no changes in the day-to-day operations of the Facility as a result of the proposed transfer. The Petitioners also report that Digihost is a wholly owned subsidiary of Digihost Technology Inc. (DTI), which is a British Columbia company that is a publicly traded growth-oriented blockchain technology company primarily focused on cryptocurrency mining.

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

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

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

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

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

(21-M-0238SP1)

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

Elimination of Internal Audits of Wholesale Performance Metrics

I.D. No. PSC-28-21-00013-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 Verizon New York Inc. that requests the removal of certain provisions of the Wholesale Quality Assurance Plan (WQAP), specifically Sections III(B)(4), IV, VI and VII, and related appendices.

Statutory authority: Public Service Law, sections 91(1) and 94

Subject: Elimination of internal audits of wholesale performance metrics.

Purpose: To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits.

Substance of proposed rule: The Commission is considering a petition, filed by Verizon New York Inc. (Verizon) on March 8, 2021 seeking to remove certain provisions of the Wholesale Quality Assurance Plan (WQAP), revised and filed by Verizon on March 22, 2007 in accordance with the Commission's Order Amending Performance Assurance Plan, issued on September 25, 2006, in Case No. 99-C-0949. Specifically, Verizon requests the elimination of Sections III(B)(4), IV, VI and VII, and the associated appendices, relating the WQAP's requirement for internal audits to review the accuracy of Verizon's reports.

Verizon states that the WQAP's required internal audits are unnecessarily burdensome to the company and are no longer required to ensure the accuracy of its measurement and reporting of carrier-to-carrier service quality metrics. Verizon states that these audits are expensive and time consuming, and that over the past ten years they have shown discrepancy rates of only 0.2%. Verizon asserts that, if its request is granted, the WQAP will otherwise remain in place and Verizon will continue to investigate and correct, on an exceptions basis, measurement and reporting discrepancies that come to its attention as a result of customer complaints or in the course of internal management.

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

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

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

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

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

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

(99-C-0949SP16)

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

Proposed Agreement for the Provision of Water Service

I.D. No. PSC-28-21-00014-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 Saratoga Water Services, Inc. for a water supply agreement for service and a request for waivers of certain tariff provisions and Commission rules.

Statutory authority: Public Service Law, sections 4(1) and 89-b

Subject: Proposed agreement for the provision of water service.

Purpose: To consider whether a proposed service agreement and requested waivers of Commission rules are in the public interest.

Substance of proposed rule: The Commission is considering the petition (Petition) of Saratoga Water Services, Inc. (Saratoga) filed on June 24, 2021 for a waiver to allow it to provide service to a customer outside its service territory on non-tariff terms. Saratoga seeks to provide water service to a commercial property, owned by Zulfiqar Zulfi (Applicant), which is outside Saratoga's Department of Environmental Conservation (DEC) defined service territory (the project). Saratoga would also need permission from DEC to provide service to the project.

Saratoga seeks to provide service to the project under the terms of an "Agreement for the Provision of Water Service" (Agreement) dated April 7, 2021, which is not consistent with Saratoga's effective tariff and certain Commission regulations (16 NYCRR Parts 501 and 502). Specifically, the Applicant would pay for the entire cost of extending Saratoga's infrastructure to provide service without receiving potential refunds of that cost. In addition, Saratoga seeks a waiver of the Commission's requirement (16 NYCRR § 501.9) to file main extension agreements within 30 days of

their execution (the Petition and Agreement were filed beyond that deadline but Saratoga states there are no negative consequences from the delay). Finally, Saratoga seeks a waiver of 16 NYCRR § 501.10, which requires water companies to receive permission from DEC to extend their service territory before seeking a waiver of tariff requirements from the Commission.

The petition requests an Order (a) approving the terms and conditions of the Agreement as being in the public interest, (b) determining that the provision of water service by Saratoga, in accordance with the terms set forth in the Agreement, is in the public interest, (c) waiving Saratoga's tariff provisions to the extent they are inconsistent with the Agreement, and (d) waiving the applicability of 16 NYCRR § 501, including § 501.10, and § 502 to the extent they are inconsistent with the Agreement.

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

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

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

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

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

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

(21-W-0355SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposals for Active and Passive Managed Charging Programs for Mass Market EV Customers

I.D. No. PSC-28-21-00015-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 Joint Utilities' Electric Vehicle (EV) Managed Charging Proposals, as directed by the July 16, 2020, Order Establishing EV Infrastructure Make-Ready Program and Other Programs.

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

Subject: Proposals for active and passive managed charging programs for mass market EV customers.

Purpose: To shift EV charging to moderate grid impacts and customer costs.

Substance of proposed rule: The Public Service Commission (Commission) is considering filings by Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), Orange and Rockland Utilities, Inc. (O&R), and Rochester Gas and Electric Corporation (RG&E) (collectively, the Utilities) to implement mass market electric vehicle managed charging programs.

On December 4, 2020, each of the Utilities filed a managed charging program proposal in compliance with the Commission's July 16, 2020, Order Establishing Electric Vehicle (EV) Infrastructure Make-Ready Program and Other Programs. On June 4, 2021, each of the Utilities filed an update, based on feedback received from stakeholders. Central Hudson, Con Edison, and O&R advise that no changes are being proposed from their December filing, while National Grid, NYSEG, and RG&E filed revisions to their December filing.

Central Hudson proposes both passive and active managed charging initiatives. In addition to two existing passive Electric Vehicle (EV) managed charging programs, the EV Whole Home Time of Use (TOU) Rate and the EV Meter TOU Rate, Central Hudson proposes a new credit-based initiative. Central Hudson explains that, unlike the existing TOU Rate programs, to participate in the credit-based "EV Credit initiative" customers must also agree to procure a networked home charger that is capable of

capturing information about the timing of charging activity, and either communicate the information or both store and communicate the information in real time. This networked capability ensures participants could schedule their EV charging activity and access potential demand response (DR) programs, though Central Hudson notes that enrolling in this EV Credit initiative does not automatically enroll customers in DR programs. Central Hudson explains that enrolled customers would receive a bill credit for charging during off peak hours. The credit would be paid annually, and would be calculated as the difference between the average energy rate and the off peak energy rate, applied to the total kilowatt hour (kWh) consumed during off peak times of day in each billing period. Central Hudson proposes to fund this credit through its Revenue Decoupling Mechanism and to begin accepting applications by the third quarter of 2021.

Furthermore, Central Hudson proposes to continue its existing active charge management initiative. Central Hudson notes that the existing initiative, offered through a New York State Energy Research and Development Authority pilot, is temporarily unavailable as the offering is being re-tooled. Additionally, Central Hudson proposes to build on the existing model with a new active initiative, where it would enroll interested customers with EVs into existing Non-Wires Alternative (NWA) programs. This active program would be funded through the applicable NWA and primary considerations would be coincidence of baseline charging loads with locational peaks, magnitude of available curtailment, and cost of implementation and customer incentives. Customers would need to be enrolled in one of the passive charging initiatives and would need to procure a networked charger with load shifting capabilities. Central Hudson explains that managed charging would be implemented through residential direct load control equipment, including two-way communicating chargers and load control switches. Central Hudson explains that it would begin by targeting EV owners within existing NWA program areas where the value proposition for the service is greatest, and may choose to expand participation to all eligible customers after proof of concept has been demonstrated.

Con Edison explains that, as its existing SmartCharge New York program evolves and as the EV market develops further, it would consider new technologies and approaches to managed charging. SmartCharge New York was launched as an initial program focused on light-duty vehicles in 2017, and expanded to include medium-duty and heavy-duty EVs in 2018. Notably, the SmartCharge New York program does not require that a participant be a Con Edison account holder, as many Con Edison customers charge their EVs at locations that are not associated with their accounts. Con Edison does not propose any changes or additional programs but notes that it would consider new approaches and changes to support system optimization as lessons are learned.

NYSEG and RG&E jointly filed their mass market managed charging proposal, specifically for program years 2020 through 2025, which it asserts would encourage both passive (i.e., behavioral) and active (i.e., non-behavioral) approaches to encourage off-peak charging and optimize charging load to maximize benefits to the distribution system. NYSEG and RG&E explain that their passive program would offer a basic level of participation, an intermediate level of participation, and an advanced level of participation. The companies explain that the incentives and associated program eligibility requirements are designed to entice participation at a reasonable level of financial gain. Participants at the intermediate level and above would receive a telematic device at no cost, or they would provide access to their EVs on-board telematics. NYSEG and RG&E explain that the telematics approach is preferred over the data collection through a networked system because it provides program benefits that are not achievable through a networked charger.

NYSEG and RG&E detail the NYSEG OptimizEV Active Managed Charging Pilot, which launched in March 2020 and explores the use of deadline-differentiated pricing for Service Class 1 customers with plug-in EVs. Participants receive discounts on their monthly NYSEG bills, in exchange for allowing NYSEG to coordinate charging within the timeframes specified by the EV owner. NYSEG explains that complete pilot results will be available in 2021. NYSEG and RG&E propose that the costs related to a Mass Market Managed Charging proposal be deferred as a regulatory asset, to be recovered through existing surcharges over a period of ten years.

National Grid proposes an active managed charging program for residential customers, in addition to complementary and supportive programs proposed in its July 13, 2020 rate case filing in Case 20-E-0380. These additional elements include: 1) rebates to customers to purchase Level 2 chargers that can participate in the managed charging program; 2) a "turnkey" installation service; and 3) an expanded online marketplace. National Grid also includes a proposal for an earnings adjustment mechanism. National Grid's active managed charging program would support both networked Level 2 chargers and vehicle-based telematics, and all participating customers would be enrolled in the EV Smart Plan tariff,

which provides a flat monthly price for at-home off-peak charging. National Grid proposes to offer either a one-time \$500 incentive, designed to contribute to the cost of a qualifying new Level 2 charger, or a one-time \$150 incentive for participants not installing a new Level 2 charger, which may include those using telematics or an existing networked Level 2 charger. Participants that receive a rebate or enrollment incentive would be required to participate in the program for a minimum of three months before being able to withdraw. National Grid explains that the active managed charging program would manage at-home charging so that it happens during off-peak hours, while taking into account factors such as the customers departure time, the EV state of charge, whether the EV can be sufficiently charged during only off-peak hours, and other factors. A customer would be able to opt-out or override to charge during on-peak hours at home, and would be charged an on-peak rate for that energy consumption as well as specifically included surcharges.

Initially, National Grid proposes to limit eligibility to residential customers that take supply service and have an eligible EV or charging equipment. National Grid explains that both the EV telematics and the networked Level 2 chargers allow for measuring vehicle energy usage by time of day and offer direct load control for managing charging. National Grid seeks authorization to leverage the embedded metering and connectivity to measure and manage customer EV charging, including an exclusion from typical metering and ANSI standards in order to bill the monthly EV Smart Plan. National Grid clarifies that the total energy usage at the site would be measured by a company meter, but would then be separated into EV charging and non-EV charging portions using the networked charger's or the vehicle's energy measurements. National Grid explains that there are neither easily recognized and implementable standards regarding the accuracy of EV-based energy metering, nor networked charging equipment. For these reasons, the Company would establish business rules regarding the use of such electric vehicle supply equipment or EV-based energy measurements.

National Grid suggests that the program would launch approximately eight months from approval, with customers enrolled in mid-2022. The program proposal includes enrollment estimates and costs through fiscal year 2025, though National Grid notes that there would be a need for managed programs to continue beyond this timeframe as EV adoption increases. National Grid requests that the Commission approve a managed charging earnings adjustment mechanism, as a meaningful and appropriate earnings pathway to help achieve the program's intended outcomes.

National Grid explains that the EV Smart Plan pricing would allow some program administration cost recovery from participating customers. If National Grid is unable to recover program costs fully from participants, it proposes to recover those program costs through the EV Make-Ready Surcharge until program costs are included in base rates.

To supplement and provide an alternative to the existing TOU rate, O&R proposes a passive managed charging program intended to encourage off-peak EV charging. O&R explains that the program would rely on influencing customer EV charging behavior through price-based management techniques, such as offering incentives, to motivate EV owners and operators to charge their EVs during off-peak periods. O&R would provide those customers who participate in the Program with hardware or software-based solutions that will monitor charging behavior. O&R proposes to obtain a third-party vendor to oversee and administer the program, with a target of enrolling 300 participants. O&R explains that the three-year program would enroll about 100 customers per year, and each group would remain enrolled for three years. O&R would offer these participants a \$150 up-front enrollment bonus to cover startup costs and up to \$500 per year to participants who charge their EVs during off-peak periods. Participants would receive \$5.00 per month for active participation, by keeping the hardware plugged in, or software turned on, \$0.10 per kWh of charging during off-peak hours, and an additional \$20 per month when they avoid charging during peak hours (2:00 pm to 6:00 pm) on summer weekdays.

O&R requests that the Commission approve a funding mechanism that would allow the Company to recover program costs on a timely basis. O&R suggests that should the Commission adopt this program in advance of resolving the January 29, 2021 rate case filing in Case 21-E-0074, program costs should be recovered on an interim basis through the Energy Cost Adjustment mechanism.

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

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

Data, views or arguments may be submitted to: Michelle Phillips, Secre-

tary, 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.

(18-E-0138SP5)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Suez Water New York Inc.'s Parent Company to Veolia Environment S.A.

I.D. No. PSC-28-21-00016-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 Veolia Environment S.A., Veolia North America, Inc., SUEZ S.A., and SUEZ Water New York Inc. for a transfer of SUEZ S.A. to Veolia Environment S.A.

Statutory authority: Public Service Law, sections 89-h

Subject: Transfer of Suez Water New York Inc.'s parent company to Veolia Environment S.A.

Purpose: To determine if the proposed transfer is the public interest.

Substance of proposed rule: The Commission is considering a petition filed by Veolia Environment S.A. (Veolia), Veolia North America, Inc., SUEZ S.A., and SUEZ Water New York Inc. (SUEZ NY) on June 14, 2021 requesting a transfer of SUEZ S.A. to Veolia.

Veolia's areas of interest include: water management and technology services, waste management services, including collection and treatment of nonhazardous, hazardous, and specific waste, and energy services, including sustainable energy management solutions for local authorities and companies.

Veolia North America, Inc. provides management and maintenance services to municipal water systems, such as New York City and Washington D.C. The company also designs and manufactures water treatment equipment for municipalities and industrial customers.

SUEZ S.A. owns and operates water systems internationally, with facilities in all fifty states, including SUEZ NY.

The petitioners ask for authorization for Veolia, a French corporation, to acquire SUEZ S.A., another French corporation and parent to regulated water utility SUEZ NY. The petitioners state that the transfer will not negatively affect SUEZ NY, its current capital plan or customer service, but may open up opportunities regarding new technology and access to financial markets. The transaction is currently waiting for approval from French authorities.

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

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

Data, views or arguments may be submitted to: Kathleen H. Burgess, 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.

(21-W-0338SP1)

Department of State

NOTICE OF ADOPTION

New York State Uniform Fire Prevention and Building Code (Uniform Code)

I.D. No. DOS-12-21-00010-A

Filing No. 770

Filing Date: 2021-06-29

Effective Date: 2021-10-12

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

Action taken: Amendment of section 1219.1; addition of Part 1228 to Title 19 NYCRR.

Statutory authority: Executive Law, section 377

Subject: New York State Uniform Fire Prevention and Building Code (Uniform Code).

Purpose: To amend the existing Uniform Code to add specific provisions applicable to rail stations.

Text of final rule: 1. Section 1219.1 of Part 1219 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

Section 1219.1 Uniform Fire Prevention and Building Code

The New York State Uniform Fire Prevention and Building Code (the Uniform Code), adopted pursuant to article 18 of the Executive Law, includes Part 1220 (Residential Construction), Part 1221 (Building Construction), Part 1222 (Plumbing Systems), Part 1223 (Mechanical Systems), Part 1224 (Fuel Gas Equipment and Systems), Part 1225 (Fire Prevention), Part 1226 (Property Maintenance), [and] Part 1227 (Existing Buildings), and Part 1228 (Rail Stations) of this Title and the publications incorporated by reference into those Parts.

2. Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new Part 1228 to read as follows:

PART 1228.

Rail stations.

Section 1228.1. Introduction and purpose

This Part applies to "rail stations" (as that term is defined in section 1228.2 of this Part). The purpose of this Part is to modify, for the purpose of application to rail stations, certain provisions and requirements of "Parts 1220 to 1227" (as that term is defined in section 1228.2 of this Part) and to add certain additional provisions and requirements that shall apply to rail stations.

Section 1228.2. Definitions.

(a) In this Part, the following terms shall have the following meanings:

(1) Back of house locations. The term "back of house locations" shall mean areas of a rail station that are intended for non-public occupancy and support the rail station and/or system operations.

(2) Fixed guideway transit system. The term "fixed guideway transit system" shall mean an electrified transportation system, utilizing a fixed guideway, operating on right-of-way for the mass movement of passengers within a metropolitan area, and consisting of its fixed guideways, transit vehicles, and other rolling stock; power systems; buildings; stations; and other stationary and movable apparatus, equipment, appurtenances, and structures.

(3) Parts 1220 to 1227. The term "Parts 1220 to 1227" shall mean Parts 1220 to 1227, inclusive, of this Title and the publications incorporated by reference in those Parts.

(4) Passenger rail system. The term "passenger rail system" shall mean a transportation system, utilizing a rail guideway, operating on right-of-way for the movement of passengers within and between metropolitan areas, and consisting of its rail guideways, passenger rail vehicles, and other rolling stock; power systems; buildings; stations; and other stationary and movable apparatus, equipment, appurtenances, and structures.

(5) Public locations. The term "public location" shall mean areas within a rail station intended for public occupancy.

(6) Rail station. The term "rail station" shall mean a building or structure, or portion thereof, that is utilized for the boarding and/or disembarking of passengers from train equipment, including passenger rail and fixed guideway transit systems, and ancillary spaces to such activities. This includes public locations, back of house locations, and trainways

within the bounds of the building or structure. This shall not include shelter stops.

(7) Shelter stop. The term "shelter stop" shall mean a location along a fixed guideway transit or passenger rail system for the loading and unloading of passengers that is located in a public way and is designed for unrestricted movement of passengers. A shelter stop can have a cover but no walls or barriers that would restrict passenger movement.

(8) Trainway. The term "trainway" shall mean that portion of the system in which the vehicles operate.

(9) Uniform Code Provisions for Rail Stations. The term "Uniform Code Provisions for Rail Stations" shall mean the publication entitled "Uniform Code Provisions for Rail Stations" (publication date: June 2021) published by the New York State Department of State.

Section 1228.3. Provisions and requirements applicable to rail stations.

(a) General. Rail stations shall comply with all applicable provisions and requirements of Parts 1220 to 1227, as modified, where applicable, by the Uniform Code Provisions for Rail Stations, and with the additional provisions and requirements set forth in the Uniform Code Provisions for Rail Stations.

(b) Incorporation by reference. The Uniform Code Provisions for Rail Stations is incorporated herein by reference. Copies of the Uniform Code Provisions for Rail Stations may be obtained from the publisher and is available for public inspection and copying at the following address:

*New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001.*

(c) Referenced standards. The following referenced standard published by the National Fire Protection Association is incorporated hereby by reference: Standard for Fixed Guideway Transit and Passenger Rail Systems, 2020 edition, publication date 2019 (NFPA 130).

Copies of said publication may be obtained from the publisher at the following address:

*National Fire Protection Association
One Batterymarch Park
Quincy, MA 02269-9101*

Copies of said publication are available for public inspection and copying at the Office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 1228.2(a)(9) and 1228.3(c).

Text of rule and any required statements and analyses may be obtained from: Chad Sievers, Department of State, 99 Washington Avenue, Suite 1160, Albany, NY 12231, (518) 728-4905, email: code.development@dos.ny.gov

Additional matter required by statute:

Executive Law § 378(18)(a) provides that except as otherwise provided by statute, no change to the Uniform Fire Prevention and Building Code ("Uniform Code") shall become effective until at least ninety days after the date on which notice of such change has been published in the State Register, unless the State Fire Prevention and Building Code Council ("Code Council") finds that (i) an earlier effective date is necessary to protect health, safety and security; or (ii) the change to the code will not impose any additional compliance requirements on any person. Executive Law § 378(18)(b) provides that notwithstanding the provisions of paragraph a of this subdivision, the council may provide that, in the period during which changes to the code have been adopted but are not yet effective pursuant to paragraph a of this subdivision, a person shall have the option of complying with either the provisions of the code as changed or with the code provisions as they were set forth immediately prior to the change.

At its meeting held June 25, 2021, the Code Council voted to adopt a rule to amend the Uniform Code and the Code Council (1) did not find that an earlier effective date was necessary to protect health, safety, and security or that the change to the Uniform Code would not impose any additional compliance requirements on any person (2) but did find that, in the period during which changes to the code have been adopted but are not yet effective, a person shall have the option of complying with either the provisions of the code as changed or with the code provisions as they were set forth immediately prior to the change. Therefore, the rule and the changes to the Uniform Code made by the rule will become effective ninety days after the date on which notice of such change has been published in the State Register and during such ninety day period a person shall have the option of complying with either the Uniform Code as amended by the rule or with the current provisions of the Uniform Code before such amendment takes effect.

Pursuant to Executive Law § 377(1), Secretary of State Rosanna Rosado reviewed the amendment of the Uniform Code to be implemented by this rule, found that such amendment effectuates the purposes of Article 18 of the Executive Law, and therefore approved said amendment.

Revised Regulatory Impact Statement

The Department of State (DOS) concludes that the changes made to the last published rule are nonsubstantive and do not necessitate a revision of the original Regulatory Impact Statement (RIS) published in the Notice of Proposed Rule Making.

Changes made to rule are summarized as follows:

The rule as proposed would have incorporated by reference the "March 2021" publication of the "Uniform Code Provisions for Rail Stations." The rule as adopted incorporates the aforementioned publication with publication date of "June 2021." A change was made in 19 NYCRR section 1228.2(a)(9) to be added by this rule to reflect the same.

A change was made in 19 NYCRR section 1228.3(c) to update the address for the National Fire Protection Association.

Changes were made within the publication entitled "Uniform Code Provisions for Rail Stations" as follows:

Exception 3 of Section 5.4.2.8 of NFPA 130 as modified by Section 102.3.1.2.9 "Fire Alarm Systems" of the publication was modified to include similar language found in the previous two exceptions. This language included the addition of the text at the beginning of exception 3 to read "Where approved by the fire code official." Additionally, the word "address" was replaced with the word "access" to more accurately identify the type of system used.

The publication date was changed from "March 2021" to "June 2021."

Revised Regulatory Flexibility Analysis

The Department of State (DOS) concludes that the changes made to the last published rule are nonsubstantive and do not necessitate a revision of the original Regulatory Flexibility Analysis for Small Businesses and Local Government (RFASBLG) published in the Notice of Proposed Rule Making.

Changes made to rule are summarized as follows:

The rule as proposed would have incorporated by reference the "March 2021" publication of the "Uniform Code Provisions for Rail Stations." The rule as adopted incorporates the aforementioned publication with publication date of "June 2021." A change was made in 19 NYCRR section 1228.2(a)(9) to be added by this rule to reflect the same.

A change was made in 19 NYCRR section 1228.3(c) to update the address for the National Fire Protection Association.

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The publication date was changed from "March 2021" to "June 2021."

Revised Rural Area Flexibility Analysis

The Department of State (DOS) concludes that the changes made to the last published rule are nonsubstantive, and do not necessitate a revision of the original Rural Area Flexibility Analysis (RAFA) published in the Notice of Proposed Rule Making.

Changes made to rule are summarized as follows:

The rule as proposed would have incorporated by reference the "March 2021" publication of the "Uniform Code Provisions for Rail Stations." The rule as adopted incorporates the aforementioned publication with publication date of "June 2021." A change was made in 19 NYCRR section 1228.2(a)(9) to be added by this rule to reflect the same.

A change was made in 19 NYCRR section 1228.3(c) to update the address for the National Fire Protection Association.

Changes were made within the publication entitled "Uniform Code Provisions for Rail Stations" as follows:

Exception 3 of Section 5.4.2.8 of NFPA 130 as modified by Section 102.3.1.2.9 "Fire Alarm Systems" of the publication was modified to include similar language found in the previous two exceptions. This language included the addition of the text at the beginning of exception 3 to read "Where approved by the fire code official." Additionally, the word "address" was replaced with the word "access" to more accurately identify the type of system used.

The publication date was changed from "March 2021" to "June 2021."

Revised Job Impact Statement

The Department of State (DOS) concludes that the changes made to the last published rule are nonsubstantive and do not necessitate a revision of the original Job Impact Statement (JIS) published in the Notice of Proposed Rule Making.

Changes made to rule are summarized as follows:

The rule as proposed would have incorporated by reference the "March 2021" publication of the "Uniform Code Provisions for Rail Stations." The rule as adopted incorporates the aforementioned publication with

publication date of "June 2021." A change was made in 19 NYCRR section 1228.2(a)(9) to be added by this rule to reflect the same.

A change was made in 19 NYCRR section 1228.3(c) to update the address for the National Fire Protection Association.

Changes were made within the publication entitled "Uniform Code Provisions for Rail Stations" as follows:

Exception 3 of Section 5.4.2.8 of NFPA 130 as modified by Section 102.3.1.2.9 "Fire Alarm Systems" of the publication was modified to include similar language found in the previous two exceptions. This language included the addition of the text at the beginning of exception 3 to read "Where approved by the fire code official." Additionally, the word "address" was replaced with the word "access" to more accurately identify the type of system used.

The publication date was changed from "March 2021" to "June 2021."

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 Proposed Rule Making was published in the State Register on March 24, 2021. A public hearing was held remotely on May 27, 2021.

Minor changes to the publication entitled "Uniform Code Provisions for Rail Stations" were made to correct a typographical error and to rephrase a provision to align with typical code language. Additionally, the rule as proposed would have incorporated by reference the "March 2021" publication of the "Uniform Code Provisions for Rail Stations." The rule as adopted incorporates the aforementioned publication with the publication date of "June 2021." A change was made in 19 NYCRR section 1228.2(a)(9) to be added by this rule to reflect the same.

A change was made in 19 NYCRR section 1228.3(c) to update the address for the National Fire Protection Association.

One comment was received by the Department of State during the public comment period as discussed below:

COMMENT 1: A comment was received requesting that the publication entitled "Uniform Code Provisions for Rail Stations" prohibit the use of combustible rail ties in below grade applications to minimize the potential for fire.

RESPONSE TO COMMENT 1: According to the Metropolitan Transportation Authority (MTA), which has custody of the majority of the buildings impacted by this proposed rule, wood rail ties do not contribute to excessive fire and smoke events within the MTA territory affecting life safety. MTA indicated that wood is the preferred material for rail ties in many cases, due to its performance in water and flood-prone areas, when compared to concrete ties. This allowance has been permitted since 2005 and is supported by 2 variances received by the MTA (Petition Nos. 2008-0216 and 2005-0301-31). Therefore, no change was made as a result of this comment.

Description of Changes Made in the Rule

This rule will amend the current version of Part 1219 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) and add new a new Part 1228. Non-substantive changes were made to the following subdivisions of Part 1228, and the publication incorporated by reference into Part 1228 entitled "Uniform Code Provisions for Rail Stations."

Changes to Title 19 NYCRR Part 1228

The following changes were made to the new Part 1228 of Title 19 NYCRR.

In Section 1228.2(a)(9), the definition for "Uniform Code Provisions for Rail Stations" was modified to reflect the new publication date of "June 2021" instead of "March 2021."

In Section 1228.3(c), the zip code for the publisher, National Fire Protection Association, of the incorporated by reference standard entitled "Standard for Fixed Guideway Transit and Passenger Rail Systems, 2020 edition, publication date 2019 (NFPA 130)" was changed from 02136-7471 to 02269.

Changes to the Publication "Uniform Code Provisions for Rail Stations"

The following changes were made to the publication entitled "Uniform Code Provisions for Rail Stations."

Exception 3 of Section 5.4.2.8 of NFPA 130 as modified by Section 102.3.1.2.9 "Fire Alarm Systems" of the publication was modified to include similar language found in the previous two exceptions. This language included the addition of the text at the beginning of exception 3 to read "Where approved by the fire code official." Additionally, the word "address" was replaced with the word "access" to more accurately identify the type of system used.

The publication date was changed from "March 2021" to "June 2021."

State University of New York

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

College Fees

I.D. No. SUN-28-21-00010-EP
Filing No. 771
Filing Date: 2021-06-29
Effective Date: 2021-06-29

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

Proposed Action: Amendment of section 302.3 of Title 8 NYCRR.
Statutory authority: Education Law, section 355(2)(b) and (h)
Finding of necessity for emergency rule: Preservation of general welfare.
Specific reasons underlying the finding of necessity: Amendment of these regulations needs to proceed on an emergency basis because increases to college fees are intended to be effective for the Fall 2021 semester. Billing for these new fees occurs during the summer of 2021, therefore, notice of the new rates needs to occur as soon as possible.
Subject: College Fees.
Purpose: To increase the college fee charged at the four University Centers of SUNY.

Text of emergency/proposed rule: Effective with respect to the [2019/20] 2021/22 academic year and thereafter, there shall be collected a college fee in the amount of \$25 a semester or \$17 a quarter from all full-time students, and \$1.70 a semester credit hour and \$1.10 a quarter credit hour from all special students at all State-operated institutions of the University, except for those full-time or special students attending the University at Albany, Binghamton University, the University at Buffalo, or Stony Brook University, where the amount collected for the college fee shall be [\$62.50] \$137.50 a semester or [\$42.50] \$93.50 a quarter from full-time students, and [\$4.25] \$9.20 a semester credit hour and [\$2.75] \$6.20 a quarter credit hour from special students. With the exception of the fixed fees to be charged at the University at Albany, Binghamton University, the University at Buffalo, and Stony Brook University, college fees shall be set by each institution at this maximum amount.

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 26, 2021.

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

Data, views or arguments may be submitted to: Same as above.
Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

1. Statutory Authority: Education Law, Sections 355(2)(b) and 355(2)(h). Section 355(2)(b) authorizes the State University Trustees to make and amend rules and regulations for the overall governance of the State University and institutions therein. Section 355(2)(h) authorizes the State University Trustees to regulate the admission of students, tuition charges, other fees and charges, curricula, and all other matters pertaining to the operation and administration of each State-operated institution of the State University.

2. Legislative Objectives: The present measure increases the State University of New York College Fee at the four University Centers (University at Albany, Binghamton University, Stony Brook University, and the University at Buffalo) by \$75 in the Fall 2021 term and \$75 in the Spring 2022 term.

3. Needs and Benefits: The present measure increases the College Fee at the four University Centers to support needed investments to compete for new federal research dollars, specifically the pending United States Innovation and Competition Act of 2021.

4. Costs: The College Fee for students enrolled in SUNY's four University Centers specified in Paragraph #2 will increase from \$62.50 to \$137.50 per semester. The estimated \$9.5 million in additional revenue will be utilized by the University Centers to expand applied learning op-

portunities for student researchers, to invest in high tech equipment and laboratory improvements, and to invest in new and existing faculty members.

5. Local Government Mandates: There are no local government mandates. The amendment does not affect students enrolled in the community colleges operating under the program of the State University of New York.

6. Paperwork: No parties will experience any new reporting responsibilities. SUNY publications and documents containing notices regarding costs of attendance will need to be revised to reflect these changes.

7. Duplication: None.

8. Alternatives: Other modification levels were considered, however, there is no acceptable alternative to the proposed changes when considering competitiveness, programmatic needs, and anticipated costs.

9. Federal Standards: None.

10. Compliance Schedule: The updated fee amounts will be in effect starting in the Fall 2021 semester.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments.

Rural Area Flexibility Analysis

No rural area flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on rural areas. The rule will not impose any adverse economic impact on rural areas or impose any reporting, recordkeeping, professional services or other compliance requirements on rural areas.

Job Impact Statement

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This regulation governs college fees for State University of New York and will not have any adverse impact on the number of jobs or employment.

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

State University of New York Tuition and Fee Schedule

I.D. No. SUN-28-21-00017-EP
Filing No. 797
Filing Date: 2021-06-29
Effective Date: 2021-06-29

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

Proposed Action: Amendment of section 302.1(b) of Title 8 NYCRR.
Statutory authority: Education Law, section 355(2)(b) and (h)
Finding of necessity for emergency rule: Preservation of general welfare.
Specific reasons underlying the finding of necessity: Amendment of these regulations needs to proceed on an emergency basis because tuition increases are intended to be effective for the Fall 2021 semester. Billing for these new tuition rates occurs during the summer of 2021, therefore, notice of the new rates needs to occur as soon as possible.

Subject: State University of New York Tuition and Fee Schedule.

Purpose: To amend the Tuition and Fees Schedule of the State University of New York effective for the Fall 2021 semester.

Text of emergency/proposed rule: Section 302.1. Tuition and Fees at State-operated units of State University.

* * * * *

(b) Tuition charges as listed in the following table for categories of students, terms and programs, and as modified, amplified or explained in footnotes 1 through [12]13 are effective with the 20[19]21 fall term and thereafter.

Charge per Semester		Charge per Semester credit hour* Special Students	
New York State residents	Out-of-State residents	New York State residents	Out-of-State residents

	Charge per Semester		Charge per Semester credit hour ¹ Special Students			Charge per Semester		Charge per Semester credit hour ¹ Special Students			
(1)	Students enrolled in degree-granting undergraduate programs leading to an associate degree and non-degree granting programs of at least one regular academic term in duration which have been approved as eligible for Tuition Assistance Program Awards	\$3,535 \$3,235 ²	\$8,490 [\$5,520] \$5,660 ³ \$5,420 ⁴ [\$5,500] \$5,750 ⁵ [\$5,775] \$5,920 ⁶ \$8,490 ⁷ [\$8,490] \$8,915 ⁸ \$4,240 ^{[8]9}	\$295	\$708 [\$460] \$472 ² \$452 ⁴ [\$458] \$479 ⁵ [\$481] \$493 ⁶ \$708 ⁷ [\$708] \$743 ⁸ \$353 ^{[8]9}	(14)	Students enrolled in the professional program of physical therapy	\$12,195	\$15,350	\$1,016	\$1,279
(15)						(15)	Students enrolled in the professional program of optometry	\$14,910	\$25,575	\$1,243	\$2,131
(16)						(16)	Students enrolled in the professional program of physician assistant	\$8,110	\$14,990	\$676	\$1,249
(17)						(17)	Students enrolled in the professional programs of doctor of nursing practice	\$12,560	\$16,080 \$15,370 ^{[8]9}	\$1,047	\$1,340 \$1,281 ^{[8]9}
(2)	Students enrolled in degree-granting undergraduate programs leading to a baccalaureate degree and non-degree granting programs of at least one regular academic term in duration which have been approved as eligible for Tuition Assistance Program Awards	\$3,535 \$3,235 ²	\$8,490 [\$12,370] ¹⁰ \$12,495 ¹¹ [\$12,330] ¹¹ \$12,455 ¹² \$8,915 ⁸ \$5,305 ^{[12]13} \$4,240 ^{[8]9}	\$295	\$708 [\$1,031] ¹⁰ \$1,041 ¹¹ [\$1,028] ¹¹ \$1,038 ¹² \$743 ⁸ \$442 ^{[12]13} \$353 ^{[8]9}						
(3)	Students enrolled in graduate programs (other than Masters of Business Administration, Architecture, Social Work or Physician's Assistant) leading to a Master's, Doctor's or equivalent degree	\$5,655	\$11,550 \$6,785 ^{[8]9} \$8,485 ^{[12]13}	\$471	\$963 \$565 ^{[8]9} \$707 ^{[12]13}						
(4)	Students enrolled in a graduate program leading to a Doctorate of Audiology	\$5,170	[\$11,670] \$11,775	\$476	[\$973] \$981						
(5)	Students enrolled in a graduate program leading to a Masters of Business Administration (MBA)	\$7,500	\$12,195 \$9,000 ^{[8]9}	\$625	\$1,016 \$750 ^{[8]9}						
(6)	Students enrolled in a graduate program leading to a Masters of Architecture	\$7,310	[\$12,620] \$13,000	\$609	[\$1,052] \$1,083						
(7)	Students enrolled in a graduate program leading to a Masters of Social Work	\$6,540	\$11,105 \$7,850 ^{[8]9}	\$545	\$925 \$654 ^{[8]9}						
(8)	Students enrolled in a graduate program leading to a Doctorate of Social Work	\$9,600	\$12,600	\$800	\$1,050						
(9)	Students enrolled in a graduate program leading to a Masters of Health Administration	\$6,985	\$11,550 \$8,380 ⁹	\$582	\$963 \$698 ⁹						
(10)	Students enrolled in the professional program of pharmacy	\$13,225	\$18,570	\$1,102	\$1,548						
(11)	Students enrolled in the professional program of law	\$12,705	[\$14,750] \$15,125	\$1,059	[\$1,229] \$1,260						
(12)	Students enrolled in the professional program of medicine	\$21,835	\$32,580	\$1,820	\$2,715						
(13)	Students enrolled in the professional program of dentistry	\$18,450	[\$31,475] \$31,790	\$1,538	[\$2,623] \$2,649						

¹ The Chancellor shall determine the equivalent of a credit hour.

² In accordance with Part HHH of Chapter 59 of the Laws of 2017, students who are both eligible for, and recipients of, an Excelsior Scholarship from the State of New York are to be charged the resident undergraduate rate of tuition approved by the Board of Trustees in the 2016/17 academic year.

³ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Alfred is authorized to charge the rate noted effective with the fall 20[19]21 term.

⁴ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Delhi is authorized to charge the rate noted effective with the fall 20[19]21 term.

⁵ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Canton is authorized to charge the rate noted effective with the fall 20[19]21 term.

⁶ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Morrisville is authorized to charge the rate noted effective with the fall 20[19]21 term.

⁷ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Cobleskill is authorized to charge the rate noted effective with the fall 20[19]21 term.

⁸ In accordance with chapter 56 of the Laws of 2020, Downstate Medical Center, Upstate Medical Center, the College of Environmental Science and Forestry, and the College of Technology at Utica-Rome/State University Polytechnic Institute are authorized to charge this rate for non-resident undergraduate students.

^{[8]9} In accordance with chapter 437 of the Laws of 2015, the Board of Trustees is authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

^{[9]10} In accordance with chapter 309 of the Laws of 1996, and enabling

action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge this lower rate for special students (part-time) enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs, and taking classes at off-campus locations or during the summer or winter intercessions. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree.

^{[10]11} In accordance with chapter 54 of the Laws of 2016, the University Centers at Buffalo and Stony Brook are authorized to charge this rate for non-resident undergraduate students.

^{[11]12} In accordance with chapter 54 of the Laws of 2016, the University Centers at Binghamton and Albany are authorized to charge this rate for non-resident undergraduate students.

^{[12]13} As authorized by the Board of Trustees (2010-081), Maritime College is authorized to charge up to this rate for non-resident students from states and commonwealths considered to be in-region (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, and Washington D.C.).

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 26, 2021.

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

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

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

Regulatory Impact Statement

1. Statutory Authority: Education Law, Sections 355(2)(b) and 355(2)(h). Section 355(2)(b) authorizes the State University Trustees to make and amend rules and regulations for the overall governance of the State University and institutions therein. Section 355(2)(h) authorizes the State University Trustees to regulate the admission of students, tuition charges, other fees and charges, curricula, and all other matters pertaining to the operation and administration of each State-operated institution of the State University.

2. Legislative Objectives: The present measure reflects Board of Trustees actions taken at their June 23, 2021 meeting that are in accordance with Section 355 of Education Law and Part D of Chapter 56 of the Laws of 2020 and support the continued operations of SUNY campuses.

3. Needs and Benefits: The present measure adjusts a series of tuition rates in the various degree programs at the State-operated campuses.

Undergraduate Programs

- Resident undergraduate tuition for students enrolled in an associate or baccalaureate degree, but not eligible for the program Excelsior Scholarship Award provided in Section 669-h(2)(b) of Education Law, would remain at \$7,070. For resident undergraduate students who receive the Excelsior Scholarship and are enrolled in an associate or baccalaureate degree, tuition will remain at the 2016/17 rate of \$6,470 per Section 669-h(2)(b) of Education Law.

- Non-resident undergraduate tuition at the University Centers would increase by \$250 (1.0%) to \$24,910 for non-resident students at Albany and Binghamton and would increase by \$250 (1.0%) to \$24,990 for non-resident students at Buffalo and Stony Brook.

- The non-resident undergraduate baccalaureate tuition at the following doctoral degree granting institutions would increase by \$850 (5.0%) to \$17,830 for all non-resident undergraduate students at the College of Environmental Science and Forestry, Downstate Medical Center, Upstate Medical Center, and the College of Technology at Utica-Rome / State University Polytechnic Institute. In accordance with Part D of Chapter 56 of the Laws of 2020, the Board of Trustees was authorized to increase tuition by not more than ten (10) percent annually for non-resident students enrolled at the aforementioned doctoral degree granting institutions.

- The standard non-resident undergraduate tuition would remain at \$16,980 for all non-resident undergraduate baccalaureate students at the Comprehensive and Technology Colleges.

- Non-resident undergraduate tuition would increase for students enrolled in an associates degree or non-degree granting program at Alfred by \$280 (2.5%) to \$11,320; Morrisville by \$290 (2.5%) to \$11,840; and Canton by \$500 (4.5%) to \$11,500.

- Non-resident undergraduate tuition would increase for students enrolled in an associates degree or non-degree granting program at the College of Environmental Science and Forestry, Downstate Medical Center, Upstate Medical Center, and the College of Technology at Utica-

Rome / State University Polytechnic Institute by \$850 (5.0%) to \$17,830. In accordance with Part D of Chapter 56 of the Laws of 2020, the Board of Trustees was authorized to increase tuition by not more than ten percent annually for non-resident students enrolled at the aforementioned doctoral degree granting institutions.

- Non-resident undergraduate tuition would not increase for students enrolled in an associates degree or non-degree granting program at the College of Technology at Delhi, remaining at \$10,840 or at Cobleskill, remaining at \$16,980.

- Non-resident undergraduate tuition for students taking exclusively distance learning courses leading to an associates, baccalaureate, or non-degree granting program, would remain at \$8,480. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- Maritime College tuition for non-resident students who are from a state or territory defined as "in-region" (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, or Washington D.C.) would remain at \$10,610. Tuition for non-resident students not from one of the states identified above would remain at the standard non-resident rate of \$16,980.

Graduate Programs

- For students enrolled in graduate programs not separately identified, the standard tuition would remain at \$11,310 for residents and \$23,100 for non-residents.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a standard graduate degree would remain at \$13,570. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- For students enrolled in programs leading to a Masters in Business Administration degree, tuition would remain at \$15,000 for resident students and \$24,390 for non-resident students.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a Masters in Business Administration degree would remain at \$18,000. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- For students enrolled in programs leading to a Masters in Architecture degree, tuition would remain at \$14,620 for resident students and increase by \$760 (3.0%) to \$26,000 for non-resident students.

- For students enrolled in programs leading to a Masters in Social Work degree, tuition would remain at \$13,080 for resident students and \$22,210 for non-resident students.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a Masters in Social Work degree would remain at \$15,700. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- For students enrolled in programs leading to a Master of Health Administration degree, tuition would remain at \$13,970 for resident students and \$23,100 for non-resident students.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a Masters of Health Administration degree would be \$16,760. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY. This is a new tuition rate being offered starting in fall 2021.

- For students enrolled in programs leading to a Doctor of Social Work degree, tuition would remain at \$19,200 for resident students and \$25,200 for non-resident students.

- Tuition for the Physicians Assistant graduate masters program at Stony Brook, Downstate, and Upstate would remain at \$16,220 for resident students and \$29,980 for non-resident students.

- Maritime College tuition for non-resident students who are from a state or territory defined as "in-region" (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, or Washington D.C.) would remain at \$16,970. Tuition for non-resident students not from one of the states identified would remain at the standard non-resident rate of \$23,100.

Professional Programs

- For students enrolled in the Medical Professional Program at the four health science centers, tuition would remain at \$43,670 for resident students and \$65,160 for non-resident students.

- Tuition for the Dental Professional Program at the universities at Stony Brook and Buffalo would remain flat at \$36,900 for resident students and would increase by \$630 (1.0%) to \$63,580 for non-resident students.

- Tuition for the Optometry Program at the College of Optometry would remain at \$29,820 for resident students and \$51,150 for non-resident students.
- Tuition at the Law School of the University at Buffalo would remain at \$25,410 for resident students and increase by \$750 (2.5%) to \$30,250 for non-resident students.
- Tuition for the School of Pharmacy Professional Program at Binghamton and the University at Buffalo would remain at \$26,450 for resident students and \$37,140 for non-resident students.
- For students enrolled in programs leading to a Doctor of Audiology degree, tuition would remain at \$10,340 for resident students and increase by \$210 (0.9%) \$23,550 for non-resident students.
- Tuition for the Doctor of Physical Therapy Program would remain at \$24,390 for resident students and \$30,700 for non-resident students.
- Tuition for the Doctor of Nursing Practice Program would remain at \$25,120 for resident students and \$32,160 for non-resident students.
- Non-resident professional tuition for students taking exclusively distance learning courses leading to a Doctor of Nursing Practice Program degree would remain at \$30,740. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

The recommended modifications do not detrimentally impact the competitiveness of State-operated rates compared to peer institutions in other public university systems and reflect engagement with campus leadership, review by System Administration, and approach by the Chancellor of the State University of New York.

The tuition rates were last increased in the fall 2019.

4. Costs: Students: Tuition rate modifications for students enrolled in these programs of SUNY will range from remaining flat to an increase of \$850 for non-resident students enrolled in Associate and Baccalaureate degrees at the doctoral degree granting institutions. In setting the new tuition schedule, SUNY has examined its appropriation levels, the prevailing tuition rates charged by other public universities, and the status of various State and Federal student financial aid programs.

5. Local Government Mandates: There are no local government mandates. The amendment does not affect students enrolled in the community colleges operating under the program of the State University of New York.

6. Paperwork: No parties will experience any new reporting responsibilities. SUNY publications and documents containing notices regarding costs of attendance will need to be revised to reflect these changes.

7. Duplication: None.

8. Alternatives: Other modification levels were considered, however, there is no acceptable alternative to the proposed changes when considering competitiveness, programmatic needs, and anticipated costs.

9. Federal Standards: None.

10. Compliance Schedule: The amendment to the tuition schedule will go into effect for the fall 2021 semester.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments.

Rural Area Flexibility Analysis

No rural area flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on rural areas. The rule will not impose any adverse economic impact on rural areas or impose any reporting, recordkeeping, professional services or other compliance requirements on rural areas.

Job Impact Statement

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This regulation governs tuition charges for State University of New York and will not have any adverse impact on the number of jobs or employment.

NOTICE OF ADOPTION

Gender Neutral Bathrooms

I.D. No. SUN-11-21-00006-A

Filing No. 768

Filing Date: 2021-06-25

Effective Date: 2021-07-14

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

Action taken: Addition of Part 317 to Title 8 NYCRR.

Statutory authority: Education Law, sections 355(2)(b) and (h)

Subject: Gender Neutral Bathrooms.

Purpose: To conform with legislation requiring SUNY state-operated campuses to designate all single occupancy bathrooms as gender neutral.

Text or summary was published in the March 17, 2021 issue of the Register, I.D. No. SUN-11-21-00006-EP.

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

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

Assessment of Public Comment

The agency received no public comment.

Workers' Compensation Board

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

DME Fee Schedule

I.D. No. WCB-28-21-00008-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 442.2 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 117 and 141

Subject: DME Fee Schedule.

Purpose: To correct codes and update DME fee schedule.

Text of proposed rule: Paragraph (1) of subdivision (a) of section 442.2 of Title 12 NYCRR is hereby amended to read as follows:

Section 442.2. Fee schedule

(a)(1) The maximum permissible charge for the purchase of durable medical equipment, medical/surgical supplies, and orthotic and prosthetic appliances shall be the fee payable for such equipment or supplies under the Official New York Workers' Compensation Durable Medical Equipment Fee Schedule, [created February 19, 2020] *second edition, June 28, 2021*, prepared and published by the Board, which is hereby incorporated by reference.

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

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

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

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

Regulatory Impact Statement

1. Statutory Authority:

Workers' Compensation Law (WCL) § 117 and § 141 authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with the provisions of the WCL.

2. Legislative Objectives:

The proposed amendments update the Board's Durable Medical Equipment (DME) fee schedule to make it correct several codes and to update the fees throughout.

3. Needs and Benefits:

After a thorough analysis of the recently established DME fee schedule, the Board has determined that several of the codes need to be corrected or adjusted.

4. Costs:

There are no additional costs expected as a result of this proposal—the updating of the fees may increase the costs for certain types of DME, but this corrects inadvertently transposed codes and adjusts other fees and should increase clarity and decrease confusion. This should in turn reduce frictional costs associated to fees for DME and unpaid bills for DME should continue to be reduced.

5. Local Government Mandates:

Municipalities or governmental agencies that are self-insured are

required to comply with the fee schedule updates, but there are no specific local government mandates associated with this proposal.

6. Paperwork:

No new paperwork will be required as a result of this proposal.

7. Duplication:

There is no duplication of state or federal regulations or standards.

8. Alternatives:

An alternative would be to not correct the codes or update the fee schedule. However, the Board ultimately decided to provide for these changes in order to reduce confusion as much as possible and make the process more cost and time efficient. The proposal provides greater clarity and guidance.

9. Federal Standards:

There are no applicable federal standards.

10. Compliance Schedule:

The proposed regulation is mandatory. All affected carriers and self-insured employers will need to use the proposed changes to the fee schedules as well as the prior authorization process. All parties will have time to make adjustments prior to the proposal's effective date.

Regulatory Flexibility Analysis

1. Effect of rule

The proposed regulation updates the durable medical equipment (DME) fee schedule and corrects some codes in the fee schedule.

2. Compliance requirements

All affected carriers and self-insured employers will need to comply with the updated fees and corrected codes in the DME fee schedule.

3. Professional services

It is believed that no professional services will be needed by small businesses or local governments to comply with the proposed regulation.

4. Compliance costs

Compliance with the proposed regulations should not impose compliance costs on small businesses or local governments, as they already must comply with the current DME fee schedule.

5. Economic and technological feasibility

Compliance with the proposal is economically and technologically feasible for small businesses and local governments, as this proposal simply updates the fees and corrects codes in the fee schedule.

6. Minimizing adverse impact

The proposed regulations were written after a thorough analysis of the DME fee schedule recently adopted – it corrects some codes and updates the fee schedule. The Board proposed these changes to implement a smoother, more efficient way of providing DME to injured workers, and to ensure the correct codes appear in the DME fee schedule.

7. Small business and local government participation

The Board does not have a small employer or municipality database, but has sent an electronic communication describing the proposal to 10,324 subscribers for Board updates (6,364 health care providers and 3,960 employers) on June 25, 2021.

The Board will also duly consider all public comments received from small businesses or local governments during the public comment period.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposal updates the durable medical equipment (DME) fee schedule to correct some codes and update the fee schedule. The DME fee schedule must be used for all DME provided to workers' compensation claimants across New York State, including rural areas.

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

The same compliance and recordkeeping requirements apply to rural areas as metropolitan ones, and no special professional services should be required by rural or any other areas. The proposal corrects codes and updates the fee schedule.

3. Costs:

There are no additional costs expected as a result of this proposal – the updating of the fees may increase the costs for certain types of DME, but this corrects inadvertently transposed codes and adjusts other fees and should increase clarity and decrease confusion. This should in turn reduce frictional costs associated to fees for DME and unpaid bills for DME should continue to be reduced.

4. Minimizing adverse impact:

The proposed regulations seek to correct codes and update the fee schedule – to make the DME fee schedule as accurate as possible and decrease any potential confusion with the current DME fee schedule.

5. Rural area participation:

The Board will duly consider all public comments received from rural areas during the public comment period.

Job Impact Statement

The proposed regulation will not have any impact, adverse or otherwise, on jobs. The proposed amendments update the durable medical equipment fee schedule.

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

Telehealth

I.D. No. WCB-28-21-00009-P

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

Proposed Action: Repeal of section 325-1.13; addition of new section 325-1.13 to Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 117 and 141

Subject: Telehealth.

Purpose: Provides the option for telehealth visits in some circumstances.

Text of proposed rule: Section 325-1.13 of Title 12 NYCRR is hereby repealed and a new section added to read as follows:

325-1.13 Telehealth.

(a) *Definition. Telehealth shall mean medical treatment and care rendered by a medical provider who is Board authorized and provides medical treatment and care in New York State using synchronous two-way audio and visual electronic communication, or synchronous two-way treatment and care via telephone. Telehealth shall not include asynchronous communication between a medical provider and a claimant, and such communication is not separately reimbursable.*

(b) *Following an initial in-person clinical encounter, when subsequent clinical encounters via telehealth are medically appropriate, telehealth may be used for medical treatment and care subject to the following restrictions:*

(1) *Every third clinical encounter must be an in-person assessment by the treating medical provider.*

(2) *Telehealth is not permissible for services administered by physical therapists, occupational therapists, acupuncturists and chiropractors.*

(3) *The medical provider who provided treatment and care at the initial clinical encounter must also provide the treatment and care at any telehealth clinical encounter.*

(4) *When subsequent medical treatment and care will be performed by a medical provider other than the medical provider who treated at the initial clinical encounter, the subsequent treating medical provider must have an in-person clinical encounter with the claimant prior to providing medical treatment and care via telehealth, and thereafter every third clinical encounter with that subsequent treating provider must be an in-person clinical encounter.*

(5) *In cases in which there have been multiple follow-up clinical encounters by a medical provider other than the initial/in-person medical provider, and the initial/in-person medical provider will be seeing the patient in follow-up, the follow-up clinical encounter by the initial/in-person medical provider must be an in-person clinical encounter, and thereafter every third clinical encounter with the initial/treating provider must be an in-person clinical encounter, as noted herein in sections (b)3-6.*

(6) *Every third clinical encounter by medical providers from the same office or medical group practice must be an in-person clinical encounter.*

(7) *Whenever follow-up is conducted on an urgent basis, or sooner than the regularly scheduled follow-up appointment, such clinical encounters shall be conducted in-person, however, if a follow-up is conducted via telehealth, the medical provider must specifically document why an in-person assessment (and/or referral to an urgent care or emergency care facility) was not clinically indicated.*

(8) *Permanency evaluations may not be performed via telehealth.*

(9) *Independent Medical Examinations conducted pursuant to section 300.2 of this Chapter and section 137 of the Workers' Compensation Law, may be conducted via telehealth when: (A) the claimant has legal representation; (B) all parties consent to such telehealth examination; (C) the examination is otherwise conducted in accordance with section 300.2 of this Chapter and section 137 of the Workers' Compensation Law; and (D) the independent medical examiner is not offering an opinion on permanent impairment.*

(10) *Supervision of surgical assistants by remote intra-operative monitoring is not permitted under the WCL and thus may not be performed by telehealth.*

(11) *Providers who are not capable of authorization and provide medical care under the direct supervision of an authorized medical provider pursuant to section 13-b (2)(b) of the workers' compensation law may not provide such care by telehealth.*

(c) *The Chair may suspend or modify application of any restriction set forth in subdivision (b) due to a state-wide or regional emergency or for reasons of medical necessity.*

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

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

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

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

Regulatory Impact Statement

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

2. Legislative Objectives: The proposal allows telehealth visits in some circumstances to help further the goals of the Workers' Compensation Law to provide quality and efficient care to injured workers.

3. Needs and Benefits: The proposal allows telehealth visits in some circumstances to replace in person visits to authorized providers when medically appropriate. During the COVID-19 pandemic, the Board has adopted several emergency measures over the last year to provide for telehealth visits for social distancing purposes. The Board has seen these emergency measures work efficiently and effectively to provide care for injured workers, and adopting a permanent regulation addressing when telehealth may be used would be beneficial to injured workers and provide convenience to providers wishing to utilize telehealth when treating injured workers in accordance with the proposal.

4. Costs: The proposal is not expected to impact costs, especially since the proposal is permissive – telehealth is not required but is allowed if the conditions in the text are met.

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

6. Paperwork: The proposal does not require additional paperwork beyond the existing requirements for authorized providers. The proposal simply allows treatment to be rendered via telehealth when medically appropriate in certain circumstances.

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

8. Alternatives: An alternative would be to not file a proposal addressing telehealth. However, based on the success of the COVID-19 emergency adoptions regarding telehealth, the proposal to add permanent telehealth options is expected to increase the efficiency and quality of care for injured workers.

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

10. Compliance Schedule: The proposal is expected to take place upon adoption following the public comment period, unless substantial revisions are needed based on public comments received.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is not required because the proposal will not have any adverse economic impact or impose any new reporting, recordkeeping or other compliance requirements on small businesses or local governments. The proposal provides the option for telehealth visits in some circumstances.

Rural Area Flexibility Analysis

A Rural Area Flexibility Statement is not required because the proposal will not have any impact rural areas. The proposal provides the option for telehealth visits in some circumstances.

Job Impact Statement

A Job Impact Statement is not required because the proposal will not have any impact on jobs or employment opportunities. The proposal provides the option for telehealth visits in some circumstances.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-19-21-00001-P	Set Monitoring, Operational and Reporting Requirements for the Oil and Natural Gas Sector	<p>Electronic webinar—July 20, 2021, 2:00 p.m. and 6:00 p.m.</p> <p>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: https://www.dec.ny.gov/regulations/propregulations.html</p> <p>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.</p> <p>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: ohms@dec.ny.gov</p>
ENV-24-21-00008-P	Petroleum Bulk Storage (PBS)	<p>Electronic webinar—August 17, 2021, 2:00 p.m. and 6:00 p.m.</p> <p>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</p> <p>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.</p> <p>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.</p>
ENV-24-21-00009-P	Chemical Bulk Storage (CBS)	<p>Electronic webinar—August 17, 2021, 2:00 p.m. and 6:00 p.m.</p> <p>Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed</p>

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.

Electronic webinar—September 8, 2021, 10:00 a.m. and 2:00 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 368 by June 30, 2021. The proposed regulations webpage for 6 NYCRR Part 368 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 Part 368 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 Wednesday, August 18, 2021. The written request must be addressed to ALJ Olivieri, DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Fl., Albany, NY 12233-1550 or emailed to ALJ Olivieri at ohms@dec.ny.gov

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.

ENV-26-21-00003-P Product Stewardship and Product Labeling

State, Department of

DOS-19-21-00014-P Minimum Standards for Administration and Enforcement of the Uniform Code and Energy Code

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

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

AAM-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-RP	10/22/21	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	10/22/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation
ASA-27-21-00009-P	07/07/22	General provisions applicable to all OASAS programs	To identify those provisions that are required of all OASAS certified, funded or otherwise authorized programs

CHILDREN AND FAMILY SERVICES, OFFICE OF

*CFS-04-20-00009-RP	12/13/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-49-20-00006-EP	12/09/21	Maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days.	Remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs.
CFS-27-21-00001-EP	07/07/22	To clarify the authorization and payment requirements of Part 415; to revise the sliding fee scale for families	To clarify the authorization and payment requirements of Part 415; to revise the sliding fee scale for families

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-27-21-00003-P	07/07/22	For licensed and registered child care programs to comply with the anaphylaxis policy issued by NYS Department of Health	For licensed and registered child care programs to comply with the anaphylaxis policy issued by NYS Department of Health
CIVIL SERVICE, DEPARTMENT OF			
*CVS-13-20-00015-P	09/22/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
*CVS-13-20-00016-P	09/22/21	Jurisdictional Classification	To classify positions in the exempt class
*CVS-24-20-00008-P	09/22/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-20-00005-P	09/22/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00005-P	09/22/21	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
CVS-27-21-00004-P	07/07/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-27-21-00005-P	07/07/22	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-27-21-00006-P	07/07/22	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-27-21-00007-P	07/07/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-27-21-00008-P	07/07/22	Jurisdictional Classification	To classify positions in the non-competitive 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
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
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
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-48-20-00001-P	12/02/21	Employee Training Incentive Program	To update the administrative processes for the ETIP program
EDUCATION DEPARTMENT			
*EDU-17-19-00008-P	09/22/21	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

Action Pending Index

NYS Register/July 14, 2021

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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
ELECTIONS, STATE BOARD OF			
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
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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
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
ENV-26-21-00003-P	09/08/22	Product Stewardship and Product Labeling	Expand, strengthen and clarify existing regulations to establish consistency with federal and state requirements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	..... exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	..... exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-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-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
DFS-27-21-00018-P	..... 07/07/22	Brokers, Agents and Certain Other Licensees - General	To set forth classes licensees must complete to fulfill part of the 15 hour credit hours required by Ins Law Art. 21
GAMING COMMISSION, NEW YORK STATE			
SGC-34-20-00009-P	..... 08/26/21	Qualification time in harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-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
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	..... exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-36-19-00006-P	..... 09/22/21	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
*HLT-46-19-00003-P	..... 09/22/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
*HLT-47-19-00008-P	..... 09/22/21	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	..... 09/22/21	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	..... 09/22/21	Adult Day Health Care (ADHC)	To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
*HLT-27-20-00006-P	09/22/21	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	09/22/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP
HLT-31-20-00012-EP	exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
HLT-38-20-00006-P	09/23/21	Medicaid Transportation Program	Medicaid payment standards for emergency ambulance providers participating in an Emergency Triage, Treat & Transport (ET3) model
HLT-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-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
HLT-28-21-00018-P	07/14/22	Public Water Systems	To correct typographic & minor technical errors to obtain primacy for the implementation of federal drinking water regulations
HUMAN RIGHTS, DIVISION OF			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-21-21-00002-P	05/26/22	Records access	To update regulations governing records access
LABOR, DEPARTMENT OF			
*LAB-46-19-00004-P	09/22/21	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAB-49-20-00012-P	12/09/21	Sick Leave Requirements	To provide definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law
LAB-05-21-00003-EP	02/03/22	Unemployment Insurance (UI) definition of "day of total unemployment"	To prevent an additional financial burden on UI claimants seeking part-time work opportunities and help employers obtain talent
LIQUOR AUTHORITY, STATE			
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
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
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
LONG ISLAND RAILROAD COMPANY			
LIR-39-20-00005-ERP	..... 09/30/21	Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road	To safeguard the public health and safety on terminals, stations and trains operated by Long Island Rail Road
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
MBA-39-20-00007-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MAbSTOA	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
MENTAL HEALTH, OFFICE OF			
OMH-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
METRO-NORTH COMMUTER RAILROAD			
MCR-39-20-00004-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad	To safeguard the public health and safety by amending the rules to require use of masks when using Metro-North facilities
METROPOLITAN TRANSPORTATION AGENCY			
MTA-39-20-00009-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company	To safeguard the public health and safety by amending rules to require use of masks when using MTA Bus facilities and conveyance
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
MOTOR VEHICLES, DEPARTMENT OF			
MTV-21-21-00001-P	..... 05/26/22	Dealer Document Fee	Raises the dealer document fee from \$75 to \$175
MTV-26-21-00002-P	..... 06/30/22	Relicensing after revocation	Conforms regulation with Departmental longstanding practice of not issuing a proposed denial of license applications

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NEW YORK CITY TRANSIT AUTHORITY			
NTA-39-20-00006-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-27-21-00017-P	exempt	Rates for the Sale of Power and Energy	To maintain the system's integrity. This increase in rates is not the result of an Authority rate increase to the Village
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*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

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PUBLIC SERVICE COMMISSION			
*PSC-07-06-00009-P exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*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

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PUBLIC SERVICE COMMISSION			
*PSC-20-07-00016-P exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*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

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PUBLIC SERVICE COMMISSION			
*PSC-13-08-00012-P exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*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

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PUBLIC SERVICE COMMISSION			
*PSC-48-08-00005-P exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*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 Aspirtly 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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-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-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
*PSC-21-20-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
*PSC-23-20-00008-P	..... exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
*PSC-25-20-00016-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-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-40-20-00004-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
PUBLIC SERVICE COMMISSION			
PSC-40-20-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-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-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.
PSC-51-20-00006-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00007-P	..... exempt	Whitepaper on the ACOS method used by utilities in developing Standby and Buyback Service rates.	To standardize the utility ACOS methods and resulting rates, and to enable stand-alone energy storage systems.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-51-20-00009-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-52-20-00011-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-04-21-00016-P	..... exempt	Request for a waiver.	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement.
PSC-04-21-00017-P	..... exempt	Funding and management of the the Clean Energy Fund portfolio.	To review NYSERDA's proposed modifications to the Clean Energy Fund portfolio and determine whether the changes are acceptable.
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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-11-21-00003-P	..... exempt	NYSEG and RG&E's petition for a waiver of its customer service quality performance.	To determine if NYSEG and RG&E's petition for waiver is in the public interest.
PSC-11-21-00004-P	..... exempt	Pre-authorization to transfer certain cyber-security related equipment to other utilities participating in the CMA program.	To enhance the reliability of the energy system by enabling transfers of certain equipment to other participating utilities.
PSC-11-21-00005-P	..... exempt	Peition concerning tariff amendments regarding billing of transformer losses.	To ensure that the National Grid tariff contains appropriate provisions for the billing of transformer losses.
PSC-12-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-12-21-00009-P	..... exempt	Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.
PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding.	To ensure the appropriate use of funding reserved for gas safety programs.
PSC-13-21-00018-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-13-21-00019-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00020-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00021-P	..... exempt	Headroom analyses of local transmission and distribution system to support additional renewable energy generation.	To support distribution and local transmission investments necessary to achieve the the State's climate goals.
PSC-13-21-00022-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00023-P	..... exempt	Petition for the use of steam metering equipment.	To ensure that consumer bills are based on accurate measurements of steam usage.
PSC-14-21-00003-P	..... 04/07/22	More specific requirements for Operator Qualification to work on pipelines. Allows applications for "special permits."	To make the provision of natural gas service safer in New York State with better qualified pipeline workers.
PSC-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.

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.
PSC-26-21-00004-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-26-21-00005-P	..... exempt	Proposed revisions to tariff schedule.	To consider tariff revisions to cancel leaves associated with the Energy Smart Community Rate Pilot.
PSC-26-21-00006-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street of lighting facilities and the proper accounting for the transaction.
PSC-26-21-00007-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-26-21-00008-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street of lighting facilities and the proper accounting for the transaction.
PSC-26-21-00009-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street of lighting facilities and the proper accounting for the transaction.
PSC-26-21-00010-P	..... exempt	Proposed acquisition of all shares of common stock of Corning Natural Gas Holding Corporation by ACP Crotona Corp.	To consider whether the acquisition of all shares of common stock of CNGH by ACP Crotona Corp. is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-26-21-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-26-21-00012-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.	To consider whether the proposed service agreement and requested waivers of Commission rules are in the public interest.
PSC-26-21-00013-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street of lighting facilities and the proper accounting for the transaction.
PSC-27-21-00010-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-27-21-00011-P	..... exempt	The prohibition on ESCO service to low-income customers.	To consider whether NOCO Electric, LLC and NOCO Natural Gas, LLC should be granted a waiver to serve low-income customers.
PSC-27-21-00012-P	..... exempt	Waiver request to reset NUG Rider rate on one day's notice.	To determine whether NUG Rider rates should be reset on one day's notice.
PSC-27-21-00013-P	..... exempt	Support for a hydroelectric facility located in Black Brook, New York.	To consider financial support to promote and maintain an existing renewable electric energy resource.
PSC-27-21-00014-P	..... exempt	PSC Regulation 16 NYCRR 86.3(a)(1), (a)(2), (b)(2), 86.4(b), 88.4(a)(4) and 85-2.3(c).	To consider the applicants requests relating to the content of their application for transmission line siting.
PSC-27-21-00015-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Lockport.
PSC-28-21-00011-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Ithaca.
PSC-28-21-00012-P	..... exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY.	To address the proposed transfer and any matters within the public interest.
PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics.	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits.
PSC-28-21-00014-P	..... exempt	Proposed agreement for the provision of water service.	To consider whether a proposed service agreement and requested waivers of Commission rules are in the public interest.
PSC-28-21-00015-P	..... exempt	Proposals for active and passive managed charging programs for mass market EV customers.	To shift EV charging to moderate grid impacts and customer costs.
PSC-28-21-00016-P	..... exempt	Transfer of Suez Water New York Inc.'s parent company to Veolia Environment S.A.	To determine if the proposed transfer is the public interest.

STATE, DEPARTMENT OF

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
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Action Pending Index

NYS Register/July 14, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE, DEPARTMENT OF			
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
STATE UNIVERSITY OF NEW YORK			
*SUN-53-19-00005-P	09/22/21	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	09/22/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"
SUN-29-20-00005-EP	09/22/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020
SUN-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
SUN-28-21-00010-EP	07/14/22	College Fees	To increase the college fee charged at the four University Centers of SUNY
SUN-28-21-00017-EP	07/14/22	State University of New York Tuition and Fee Schedule	To amend the Tuition and Fees Schedule of the State University of New York effective for the Fall 2021 semester
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
SIR-39-20-00008-P	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations and trains operated by SIRTOA.	To safeguard the public health and safety by amending rules to require the use of masks when using terminals and stations.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
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
TDA-26-21-00014-EP	06/30/22	Camp fees	To conform state regulations to statutory requirement effectuated by Chapter 126 of the Laws of 2021, signed by the Governor on June 11, 2021 and effective June 30, 2021, allowing camp fees for children in family assistance or safety net assistance cases
TRANSPORTATION, DEPARTMENT OF			
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
WORKERS' COMPENSATION BOARD			
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
WCB-26-21-00001-P	06/30/22	Payment of medical bills and disputes	To require all objections to medical bills be made simultaneously and make process more efficient
WCB-28-21-00008-P	07/14/22	DME Fee Schedule	To correct codes and update DME fee schedule

Action Pending Index

NYS Register/July 14, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-28-21-00009-P	..... 07/14/22	Telehealth	Provides the option for telehealth visits in some circumstances

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

3050 LSC LLC
130 Dutchman Blvd., Irmo, SC 29063
State or country in which incorporated — Delaware

5901 Weber Corpus, LLC
1305 Wycuff Ave., #100, Dallas, TX 75207
State or country in which incorporated — TEXAS

AFA Multi-Manger Credit Fund
235 W. Galena St., Milwaukee, WI 53212
State or country in which incorporated — Delaware

AGDL Generali Special LP, LLC
c/oAngelo, Gordon & Co., LP., 245 Park Ave., New York, NY 10167
Partnership — AGDL Generali GP S.A.R.L.

Amundi
91-93 Boulevard Pasteur, 75015 Paris, France
State or country in which incorporated — France

Cannabis Strategic Ventures
9350 Wilshire Blvd., Suite 203, Beverly Hills, CA 90210
State or country in which incorporated — Nevada

Cliffwater Enhanced Lending Fund
235 West Galena Street Milwaukee, WI 53212
State or country in which incorporated — Delaware

Fountain Pare Member LLC
16150 SW Upper Boones Ferry Road, Portland, OR 97224
State or country in which incorporated — Delaware

Geosyntec Consultants, Inc.
900 Broken Sound Pkwy. NW, Suite 200, Boca Raton, FL 33487
State or country in which incorporated — Florida

Ipsen S.A.
65 Quai Georges Gorse, 92100, Boulogne-Billancourt, France
State or country in which incorporated — France

Mycroft AI Inc.
300 E. 39th St., Kansas City, MO 64111
State or country in which incorporated — Delaware

Prana Housing Preservation Fund, L.P.
75 Broadway, Suite 230, San Francisco, CA 94111
State or country in which incorporated — Delaware limited partnership

Remsleep Holdings, Inc.
2202 North West Shore Blvd., Suite 200, Tampa, FL 33607
State or country in which incorporated — Nevada

San Juan Diego Company, LP
301 N. Palm Canyon Dr., Suite 103, Palm Springs, CA 92262
Partnership — Todos Santos Corporation

SLC Urban Grove SPE LLC
6915 S. Macadam Ave., Suite 325, Portland, OR 97219
State or country in which incorporated — Delaware limited liability company

contract award, and in the event of two findings within a 4 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.

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

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 C trade contractor, 3% for the E trade contractor, 3% for the H trade contractor, and 3% for the P 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, 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, 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

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

New York State Deferred Compensation Board

Pursuant to the provisions of 9 NYCRR, Section 9003.2, authorized by Section 5 of the State Finance Law, the New York State Deferred Compensation Board, beginning Wednesday, July 14 2021, is soliciting proposals from Financial Organizations to provide active international equity investment management and passive international equity investment management services in daily valued, daily liquid collective vehicles such as mutual funds or collective investment trusts. Separate accounts will not be considered. The benchmark for active and passive mandates is expected to be the MSCI ACWI ex-US. Both active and passive portfolios will be offered as investment options under the Deferred Compensation Plan for the Employees of the State of New York and Other Participating Public Jurisdictions, a plan meeting 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 request for proposals may be obtained from Callan's website: <https://www.callan.com/rfps>. All proposals must be received no later than the close of business on Wednesday, August 25, 2021. This notice was prepared by Sharon Lukacs, Deputy Director, NYS Deferred Compensation Plan, 1450 Western Avenue, Suite 103, Albany, NY 12203.

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 institutional services to comply with enacted statutory provisions. The following changes are proposed:

Institutional Services

Effective for days of service on or after July 15, 2021, The Department of Health will adjust inpatient psychiatric fee-for-service per diem rates of reimbursement for Article 28 exempt psychiatric

hospitals and Article 28 exempt hospital distinct units by increasing the case mix neutral psychiatric statewide per diem base price by 9.86 percent. This State Plan Amendment is necessary to adequately reimburse hospitals for providing these services and better meet the community's mental health needs.

The estimated full annual net aggregate increase in gross Medicaid expenditures attributable to this initiative is \$25,000,000. Funds for this increase are contained in the State budget beginning in state fiscal year 2021/22.

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. In addition, approved SPA's beginning in 2011 are also available for viewing on this website.

Copies of the proposed State Plan Amendments will be on file in each local (county) social services district and available for public review.

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

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

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

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

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

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

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

PUBLIC NOTICE

Department of State

The New York State Real Estate Board will hold an open board meeting on July 22, 2021, at 1:00 p.m. The meeting locations are as follows: Department of State, 99 Washington Avenue, Room 505, Albany; Department of State, 123 William Street, Room 231, New York City; and Department of Labor, 276 Waring Road, Regional Room A, Rochester. The Board will hold a public hearing on general real estate issues immediately following the board meeting at the same locations.

Should you require further information, please contact: Denise Tidings at Denise.Tidings@dos.ny.gov or (518) 402-4921

PUBLIC NOTICE

Department of State
F-2021-0162

Date of Issuance – July 14, 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: <https://dos.ny.gov/system/files/documents/2021/06/f-2021-0162.pdf>

In F-2021-0162, or the "Indian Island Wetland Restoration Project", the applicant – Suffolk County Department of Public Works proposes to dredge an old channel between Terry's Creek and the interior of the park. To allow the tidal waters to move beneath the existing gravel roadway, it is proposed to install a 6' x 6' precast concrete box culvert. To establish a natural bottom, the invert of the culvert will be installed 1' below finished grade and filled with 1' of clean fill. The proposed channel will be excavated down to Elevation -1.50 (NGVD29) which is approximately 2 below Mean Low Water. Approximately 5,082 Cubic Yards of soil will be excavated in order to create the proposed channel. Soil sampling was performed at 16 locations throughout the proposed project area. Various contaminants were found within the soil profile that either exceeded unrestricted use or protection of groundwater. It is proposed to deposit the excavated material adjacent to the new channel and create a berm. The top of berm elevation will be 12.80, NGVD29. All of the excavated material will be used to create the berm and no material will leave the site. An additional 2,170 Cubic Yards of select fill will be brought into the site and used to cap the berm and 1,765 Cubic Yards of select fill will be brought into the site to cap the bottom of the proposed channel. The proposed channel will be planted with native wetland species. Approximately 15,000 *Spartina Alterniflora* (Low Marsh Cord Grass) will be planted at 24" on center within the intertidal marsh area (between elevations 0.5 and 2.0). Approximately 50,000 *Spartina Patens* (Meadow Grass) will be planted at 24" on center within the Floodplain/High Marsh Area where shown on the plans. The top of the berm will be stabilized with topsoil and hydroseed. To construct the new wetland and adjacent berm, approximately 130 trees will be removed.

The purpose of the proposed work is to restore/recreate the historically documented high-functioning tidal wetland/salt marsh ecosystem with mixed open water, high marsh habitat, intertidal marsh habitat and open water will increase filtering capacity, enhance the cycling of organic and inorganic nutrients and pollutants, provide tidal flushing among other biological and physiochemical services, and improve water quality conditions in the western Peconic Estuary. The proposed project is located at Indian Island Park in the Town of Riverhead, Suffolk County on Terry's Creek.

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 29, 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-2021-0325

Date of Issuance – July 14, 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: <https://dos.ny.gov/system/files/documents/2021/06/f-2021-0325a.pdf> and <https://dos.ny.gov/system/files/documents/2021/06/f-2021-0325b.pdf>

In F-2021-0325, or the "Pultneyville Harbor Dredging Project", the applicant – New York State Office of General Services proposes to dredge an area of approximately 1.1 acres total to an elevation of +237.3 feet, IGLD85 (-6.0 feet LWD) plus a 0.5 foot overdredge allowance. Dredged material will be placed in an open lake placement area approximately 11 miles east of the dredge area that has been utilized by the USACE during previous maintenance dredging activities and at elevations not to exceed +208.3 feet, IGLD85 (-35 feet, LWD).

The purpose of the proposed work is to dredge the federal navigation channel at Pultneyville to maintain navigation and place dredged material within the USACE Grand Sodus Bay Open Lake Placement Site. The proposed project is located in Pultneyville Harbor in the Town of Williamson, Wayne County on 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 29, 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-2021-0451

Date of Issuance – July 14, 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-2021-0451 the applicant, Niagara Mohawk Power Corporation, is proposing to install 1.5" diameter 2.4kV electric submarine cable to extend from the eastern shore of Lake of the Isle from the property of Thomas & Wendy Rider along the natural bottom to the point of land of Michael & Shawna Hayes, approx. 800 feet. This project is located at 19515 Rock Baie Road, Town of Orleans, Jefferson County, St. Lawrence River

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/07/f-2021-0451.pdf>

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

- Lake of the Isles Significant Fish and Wildlife Habitat:

https://dos.ny.gov/system/files/documents/2020/03/lake_of_the_isles.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 August 13, 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-2021-0454

Date of Issuance – July 14, 2021

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0454, The Town of Greece is proposing to replace an existing insufficient storm sewer system with approximately 16,000 linear feet of 12” and 18” storm sewer main. Consolidation of outfalls where feasible, installation of control valves, 20-30 deep sump catch basins (to receive portable pumps), and installation of storm sewer lateral service to each residential property (from main to clean-out). Portions of the existing 8” and 10” sanitary sewer main (around 1,200 linear feet) will be slip-lined to eliminate ground water infiltration, around 70 manholes will be sealed against ground water and surface water infiltration, the access hatches for 4 sanitary pump stations will be raised to an appropriate elevation and armored, and the control panels will be raised and replaced. Project consists of upgrading or extending an existing utility network within existing roadways under public ownership. The project also includes the replacement of the existing stormwater systems including replacement of 5 existing outfalls (SW-860, SW-878, SW-879, SW-882 and Outfall 3) along all the roadway sections and install 18 new outfalls. 21 of the 23 outfalls will extend beyond shoreline and will include medium stone fill at each of these outfall locations. Outfalls OA9-1 and OA30-1 will terminate at existing sheet pile walls at these locations and will not include any fill or in water work.

The stated purpose of the proposed work is to reduce the frequency, intensity, and duration of flooding as well as relieving the burden on sanitary sewers along local roads.

The work is proposed along Edgemere Drive from E. Manitou Road to Crescent Beach Road, entirety of Old Edgemere Drive and entirety of Crescent Beach Road in the Town of Greece, Monroe County.

This proposal is part of the New York State Lake Ontario Resiliency & Economic Development Initiative (REDI). REDI is a program created to increase the resilience of shoreline communities and bolster economic development throughout the Lake Ontario and St. Lawrence River regions of New York State. Additional information about the REDI program including project profiles can be found at: <https://www.governor.ny.gov/projects/lake-ontario-resiliency-and-economic-development-initiative-redi>

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/07/f-2021-0454publicnotice.pdf>

<https://dos.ny.gov/system/files/documents/2021/07/f-2021-0454plans1-39.pdf>

<https://dos.ny.gov/system/files/documents/2021/07/f-2021-0454plans40-76.pdf>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, July 29, 2021.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State

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.

2021-0311 Matter of Dennis Alex located at 919 Sullivan Court, Town of Lewiston (County of Niagara), NY, for a variance concerning sprinkler system. (Board Variance)

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

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2021-0327 Matter of David Scalabrelli, 112 Wagon Lane W, Centereach, NY 11720, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 112 Wagon Lane W, Centereach, Town of Brookhaven, NY 11720, County of Suffolk, State of New York.

PUBLIC NOTICE

Susquehanna River Basin Commission

SUMMARY: As part of its regular business meeting held on June 17, 2021, from Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: June 17, 2021.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238-0423, ext. 1312, fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) election of Commission officers for FY2022; (2) reconciliation of the budget for FY2022; (3) ratification of two grant amendments; (4) adoption of a newly revised Comprehensive Plan for the Water Resources of the Susquehanna River Basin for 2021 through 2041; (5) adoption of the 2022-2024 Water Resources Program; and (4) adoption of a resolution regarding environmental justice.

Project Applications Approved:

1. Project Sponsor and Facility: ARD Operating, LLC (West Branch Susquehanna River), Piatt Township, Lycoming County, Pa. Modification to update flow protection rates to be in accordance with current Low Flow Protection Policy No. 2012-01 (Docket No. 20120601).

2. Project Sponsor: CAN DO, Inc. Project Facility: Humbolt Industrial Park, Hazle Township, Luzerne County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.187 mgd from Humbolt Well 1, up to 0.187 mgd from Humbolt Well 3, up to 0.230 mgd from Humbolt Well 7, up to 0.144 mgd from Humbolt Well 8, and up to 0.230 mgd from Humbolt Well 9 (Docket No. 19960501).

3. Project Sponsor and Facility: Geneva Farm Golf Course, Inc., Dublin District, Harford County, Md. Application for renewal of consumptive use of up to 0.099 mgd (30 day average) (Docket No. 199110104).

4. Project Sponsor and Facility: Greenfield Township Municipal Authority, Greenfield Township, Blair County, Pa. Application for groundwater withdrawal of up to 0.499 mgd (30-day average) from Well PW-4.

5. Project Sponsor and Facility: PPG Operations LLC (West Branch Susquehanna River), Goshen Township, Clearfield County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

6. Project Sponsor and Facility: Quarryville Borough Authority, Quarryville Borough, Lancaster County, Pa. Application for renewal of groundwater withdrawal of up to 0.250 mgd (30-day average) from Well 2 (Docket No. 19931102).

7. Project Sponsor and Facility: SUEZ Water Owego-Nichols Inc., Village of Owego and Town of Owego, Tioga County, N.Y. Applications for groundwater withdrawals (30-day averages) of up to 0.880 mgd from Well 1, up to 1.115 mgd from Well 3, and up to 0.710 mgd from Well 4.

8. Project Sponsor: Weaverland Valley Authority. Project Facility: Blue Ball Water System, East Earl Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Well 4 as well as recognizing historic withdrawals from wells 1, 2 and 3.

Commission-Initiated Project Approval Modifications

9. Project Sponsor and Facility: Municipal Authority of the Borough of Mansfield, Richmond Township, Tioga County, Pa. Conforming the grandfathered amount with the forthcoming determination for a withdrawal from Webster Reservoir up to 0.311 mgd (30-day average) (Docket No. 20130609).

10. Project Sponsor and Facility: Williamsport Municipal Water Authority, Williamsport City, Lycoming County, Pa. Conforming the grandfathered amounts with the forthcoming determination for withdrawals (30-day averages) from Well 3 up to 0.940 mgd, from Well 4 up to 0.940 mgd, from Well 5 up to 2.141 mgd, from Well 6 up to 0.687 mgd, from Well 7 up to 2.254 mgd, from Well 8 up to 0.987 mgd, from Well 9 up to 0.800 mgd, from Mosquito Creek up to 6.833 mgd, and from Hagermans Run up to 4.926 mgd (Docket No. 20110628).

Project Approval Tabled

11. Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, Pa. Applications for renewal of groundwater withdrawal of up to 0.960 mgd (30-day average) from Well UN-37 and consumptive use of up to 0.960 mgd (peak day) (Docket No. 19890106-1).

Project Withdrawn

12. Project Sponsor and Facility: Beech Resources, LLC (Lycoming Creek), Lycoming Township, Lycoming County, Pa. Application for surface water withdrawal of up to 1.500 mgd (peak day).

Project Terminated

13. Project Sponsor and Facility: City of Aberdeen, Harford County, Md. Modifications to extend the approval term of the consumptive use, surface water withdrawal, and out-of-basin diversion approval (Docket No. 20021210) to allow additional time for evaluation of the continued use of the source for the Aberdeen Proving Ground-Aberdeen Area.

AUTHORITY: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: June 24, 2021

Jason E. Oyler

General Counsel and Secretary to the Commission

PUBLIC NOTICE

**Susquehanna River Basin Commission
Projects Approved for Consumptive Uses of Water**

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: May 1-31, 2021

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22 (f) for the time period specified above:

Water Source Approval – Issued Under 18 CFR 806.22(f):

1. LPR Energy, LLC; Pad ID: Snow Shoe 2; ABR-201011007.R2; Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 4, 2021.

2. LPR Energy, LLC; Pad ID: Snow Shoe 4; ABR-201011042.R2; Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 4, 2021.

3. Chief Oil & Gas, LLC; Pad ID: PMG Annie Drilling Pad #1; ABR-201103015.R2; Springville Township, Susquehanna County; Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 4, 2021.

4. XTO Energy, Inc.; Pad ID: PA Tract BIH; ABR-201104023.R2; Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 4, 2021.

5. Frontier Natural Resources, Inc.; Pad ID: Winner 1; ABR-201101027.R2; West Keating Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 5, 2021.

6. Diversified Oil & Gas, LLC; Pad ID: Lundy Well Pad; ABR-201103010.R2; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: May 5, 2021.

7. Range Resources – Appalachia, LLC; Pad ID: Gulf USA #63H Drilling Pad; ABR-201103043.R2; Snow Shoe Township, Centre County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: May 5, 2021.

8. SWN Production Company, LLC; Pad ID: Broughton; ABR-201012001.R2; Morris Township, Tioga County, Pa.; Consumptive Use of Up to 7.50000 mgd; Approval Date: May 7, 2021.

9. Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 293 Pad F; ABR-201105001.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: May 7, 2021.

10. Cabot Oil & Gas Corporation; Pad ID: GeigerK P1; ABR-202105001; Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 7, 2021.

11. M4 Energy, LLC; Pad ID: Triana-Young Pad A; ABR-20100677.R2; Hector Township, Potter County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 10, 2021.

12. Range Resources – Appalachia, LLC; Pad ID: Shipman, James Unit #1H - #2H Drilling Pad; ABR-201104014.R2; Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 10, 2021.

13. Range Resources - Appalachia, LLC; Pad ID: Null, Eugene Unit #2H - #7H Drilling Pad; ABR-201104011.R2; Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 10, 2021.

14. Chesapeake Appalachia, L.L.C.; Pad ID: Hess; ABR-201105004.R2; Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 11, 2021.

15. Chesapeake Appalachia, L.L.C.; Pad ID: Ramblinrose; ABR-201105003.R2; Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 11, 2021.

16. Chief Oil & Gas, LLC; Pad ID: SGL-12 M NORTH UNIT PAD B; ABR-202105002; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: May 11, 2021.

17. Chesapeake Appalachia, L.L.C.; Pad ID: Lomison Inc.; ABR-201105023.R2; Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 27, 2021.

18. Chesapeake Appalachia, L.L.C.; Pad ID: LRJ; ABR-201105011.R2; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 27, 2021.

19. SWN Production Company, LLC; Pad ID: Sadecki Well Pad; ABR-201105020.R2; Liberty Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 27, 2021.

20. Chesapeake Appalachia, L.L.C.; Pad ID: Karp; ABR-201105027.R2; Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 31, 2021.

21. SWN Production Company, LLC; Pad ID: Mitchell Well Pad; ABR-201105026.R2; Franklin Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 31, 2021.

Approvals By Rule - Issued Under 18 CFR 806.22(f) - Revocation:

1. Seneca Resources Company, LLC; Pad ID: Hector 2; ABR-201605004; Hector Township, Potter County, Pa.; Revocation Date: May 24, 2021.

2. Seneca Resources Company, LLC; Pad ID: Swingle 591; ABR-201012018.R2; Richmond Township, Tioga County, Pa.; Revocation Date: May 24, 2021.

3. Seneca Resources Company, LLC; Pad ID: Costanzo 818; ABR-201006112.R1 Chatham Township, Tioga County, Pa.; Revocation Date: May 25, 2021.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: June 24, 2021

Jason E. Oyler,

General Counsel and Secretary to the Commission.

