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Notice of Availability of State and Federal Funds

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

For notices published in this issue:
- the 60-day period expires on September 19, 2021
- the 45-day period expires on September 4, 2021
- the 30-day period expires on August 20, 2021
Be a part of the rule making process!

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

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

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

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

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

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

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

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
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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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Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

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

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

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**NOTICE OF ADOPTION**

**Chlorpyrifos Prohibition**

**I.D. No.** ENV-04-21-00007-A

**Filing No.** 801

**Filing Date:** 2021-07-02

**Effective Date:** 2021-07-31

**Pursuant to the provisions of the State Administrative Procedure Act,** NOTICE is hereby given of the following action:

**Action taken:** Amendment of Part 326 of Title 6 NYCRR.

**Statutory Authority:** Environmental Conservation Law, sections 1-0101, 3-0301 and 33-0703

**Subject:** Chlorpyrifos prohibition.

**Purpose:** Prohibit distribution, sale, purchase, possession, or use of pesticides that contain the active ingredient chlorpyrifos.

**Text or summary was published** in the January 27, 2021 issue of the Register, I.D. No. ENV-04-21-00007-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Scott Menrath, P.E., NYS Department of Environmental Conservation, 625 Broadway Albany, NY 12233-7254, (518) 402-8788, email: scott.menrath@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.

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**Assessment of Public Comment**

In January 2021, the New York State Department of Environmental Conservation (Department) proposed regulations to prohibit all sale, distribution, possession, or use of pesticides with the active ingredient chlorpyrifos. Notice of the proposed rulemaking appeared in the January 27, 2021 State Register as well as in the DEC’s Environmental Notice Bulletin. Public comments were received from January 27, 2021 through April 5, 2021. A virtual public hearing was held on March 30, 2021.

The majority of commentors supported this proposed regulation to protect public health, particularly farmworkers, farm families, children, and others living near agricultural areas. Several commentors referred to various studies suggesting that chlorpyrifos exposure may be linked to cancer, Parkinson’s disease, reduced IQ, memory loss, attention deficit disorder, developmental delays, other neurological health effects, and low birth rates.

Other commentors supported this proposed regulation to protect mammals, fish, amphibians, aquatic and terrestrial invertebrates, reptiles, birds, pollinators, and plants.

Several people commented that the Department should delay the effective date of the chlorpyrifos product registration cancellations. In addition, they requested that the Department use the authority provided in Environmental Conservation Law Section 33-0715 to appoint an Advisory Committee consisting of representatives from the health, science, and agriculture disciplines. Based upon the committee’s recommendations, the Department should revise the final regulation and the registration cancellations.

The chlorpyrifos product registration cancellations are separate actions and are not considered part of this rulemaking and the provisions of Environmental Conservation Law Section 33-0715 relate to pesticide product registration matters, including the suspension and cancellation of pesticide product registrations. The proposed rulemaking is not an action associated with a pesticide registration, cancellation, or suspension of a specific pesticide product; it is a prohibition of an active ingredient. Therefore, these requests are not applicable to this rulemaking.

Several commentors objected to the chlorpyrifos pesticide product registration cancellations and the proposed rulemaking based upon the need for chlorpyrifos to be used as a means of pest resistance management associated with an Integrated Pest Management (IPM) program.

Although the chlorpyrifos pesticide product registration cancellation process is beyond the scope of this proposed rulemaking, the Department did identify concerns about pest resistance and IPM that are addressed in the response to comments. The Department considered IPM and resistance management during the development of this proposed rulemaking and recognized that efforts are needed, and some are already underway, to develop alternatives and IPM techniques to address the loss of chlorpyrifos. The Department also consulted with Cornell University College of Agriculture and Life Sciences to discuss potential pest resistance and IPM impacts to agriculture and industry. Although there are significant pests that chlorpyrifos products are used to control in certain crops, and there are some short-term impacts to growers, there are some effective, albeit more costly, alternatives that can help to mitigate development of significant pest resistance. It was determined that research and development of alternative products and practices should reduce long-term agricultural impacts associated with pest resistance and IPM.

Several commentors were concerned about the disposal or use of existing stocks and inventory of chlorpyrifos pesticide products to ensure that they can comply with the proposed regulation. Following the effective date of the proposed regulation, the application of chlorpyrifos pesticide products will not be permitted. However, the May 3, 2021 enforcement discretion will allow the possession, transport, storage, or handling of open or closed containers of chlorpyrifos pesticide products that were already in the possession of distributors and users prior to the effective date of their registration cancellation. This discretion only allows this use for the purposes of shipment out of state or for proper disposal until February 1, 2022. In addition, as resources allow and based
Several comments were made that the proposed rulemaking will create a direct economic hardship for agricultural producers and turf managers since many alternative products are more expensive and require multiple applications. The expense and time to conduct multiple applications makes these alternative products less desirable options to control pests on certain fruit and vegetable crops and turf.

The Department recognized that there could be potential economic impacts to agricultural producers associated with this regulation as described in the Regulatory Impact Statement. This regulation was developed to protect environmental resources and people. Various factors were weighed during this decision-making process including the need for the continued use of this pesticide, the Environmental Protection Agency (EPA) draft risk assessments, and other information. The information reviewed indicates that there are risks to pollinators and other environmental resources, that occupational handler risks are still a concern, and that the neurodevelopmental effects from chlorpyrifos remain uncertain. The Department also reviewed the pesticide annual reports for the sales and use of chlorpyrifos in New York since 2013. This evaluation of the sale and use reports indicates that there is relatively little use of this pesticide in the state. Based upon the information reviewed and the uncertainties associated with many aspects of chlorpyrifos use, the Department concluded that the prohibition of chlorpyrifos will help protect workers, environmental resources, pollinators, and children even though it may have economic impacts on agricultural producers. The Department believes that economic impacts should be limited.

Several commentors indicated that the alternatives to chlorpyrifos may also pose health and ecological impacts associated with their use.

There are several pesticides that potentially can be used as alternatives to chlorpyrifos. These alternative active ingredients should be used and evaluated on a case by case basis and the least toxic material should be chosen by the user when needed. All pesticides have precautions associated with their use, which may be identified during the Department’s registration process. However, the use of chlorpyrifos has been brought under additional scrutiny by the Department due to the risk, exposure, other information reviewed, the Governor’s directive, and the Legislature’s intent to prohibit its use and eliminate potential exposure to the public and environmental resources.

Several commentors remarked that political processes, including Governor Cuomo’s veto and directive associated with the chlorpyrifos bill, passed by both houses of the legislature, circumvented the Department’s science-based pesticide registration process.

In response to the Governor’s directive, the Department reviewed the most recent available data from EPA, including EPA’s September 15, 2020 draft ecological risk assessment for registration review of chlorpyrifos and the September 21, 2020 draft human health risk assessment for registration review of chlorpyrifos. Independent of the Governor’s directive the Department’s proposed rulemaking was supported by the information reviewed and the uncertainties about chlorpyrifos use specified in these documents; consequently, the Department initiated the rulemaking process to prohibit the use of chlorpyrifos.

Several commentors expressed concerns that there are not suitable alternatives to replace chlorpyrifos pesticide products for pests including the cabbage maggot, onion maggot, and bluegrass weevil. Some of these commentors have requested that either existing stocks of these materials be permitted until a viable alternative is found or limited use of this material be permitted for the control of certain pests.

The Department has determined that the need to protect workers, environmental resources, pollinators, and children is essential and a complete prohibition of the use of chlorpyrifos products will help accomplish this protection. The variables associated with pest control and the methods available to register and regulate pesticides make it difficult to limit pesticides to certain uses; therefore, a complete prohibition is the only viable mechanism to achieve the Department’s and Governor’s goal of protection of public health and the environment from chlorpyrifos. Research into alternative products will need to continue with New York State research and academic institutions and others to find solutions to control these pests.

**Rule Making Activities**

**Department of Financial Services**

**NYS Register/July 21, 2021**

**EMERGENCY RULE MAKING**

**Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services**

**L.D. No. DFS-29-21-00001-E**

**Filing No. 798**

**Filing Date: 2021-06-30**

**Effective Date: 2021-06-30**

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

**Action taken:** Amendment of Part 2 of Title 23 NYCRR.

**Statutory authority:** Financial Services Law, sections 102, 201, 202, 302, 305; State Administrative Procedure Act, section 301

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

**Specific reasons underlying the finding of necessity:** Since March 7, 2020, when Governor Andrew M. Cuomo issued Executive Order Number 202 declaring a disaster emergency in the State of New York in response to the novel coronavirus (“COVID-19”) pandemic, COVID-19 has spread to millions of people worldwide, with more than 200,000 confirmed cases in New York State. There are still cases of New Yorkers testing positive for the virus and a 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, is spreading in the United States. The Delta variant is a more transmissible and contagious form of COVID-19 and it may cause more severe symptoms and outcomes. Given the public health implications related to COVID-19, it is essential that the Department of Financial Services (“Department”) promulgate regulations that implement protective measures, whenever possible, to help stop its spread.

This amendment adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department may conduct administrative hearings by videoconference at the Department’s discretion. This is being done so that the parties and hearing officers do not have to be physically present at the same location during hearings. A hearing officer will determine, upon a timely objection filed by the respondent or applicant that a hearing held by videoconference would either impinge upon the respondent’s or applicant’s due process rights, or would be fundamentally unfair or impractical, as expressed in section 2.19(d) of the regulation, if a hearing will be held via videoconference.

The Department is taking special precautions during this unprecedented health crisis to minimize the spread of COVID-19 by, among other things, reducing the number of individuals who may enter the Department’s offices at any given time. Therefore, conducting an administrative hearing by videoconference protects the safety of those participating in, or witnessing the hearing, by avoiding personal contact in a way that will help limit the spread of COVID-19. It is thus imperative that this amendment be promulgated on an emergency basis for the public’s general welfare and the preservation of public health.

**Subject:** Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services

**Purpose:** To specify that the Department of Financial Services may conduct administrative hearings by videoconference.

**Text of emergency rule:** Section 2.19 is added to read as follows:

§ 2.19 Hearings conducted by videoconference.

(a) At the discretion of the Department official who issued the notice of action or proposed action, a hearing held pursuant to this Part may be conducted by videoconference. When a hearing is conducted by videoconference, none of the parties nor the hearing officer need to be physically present at the same location.

(b) All provisions of this Part that are not inconsistent with the specific provisions of this section shall apply to hearings conducted by videoconference. For purposes of § 2.14(b) of this Part, the term hearing room shall mean videoconference when a hearing is conducted by videoconference.

(c) A respondent or applicant may object to conducting the hearing by videoconference by sending a written notice of the objection to the hearing officer by first class mail, overnight mail or electronic mail to an address or email address designated by the Department and posted on the...
Department’s website. The written notice of objection must be received by the hearing officer at least five business days before the time set for the hearing.

(d) In the event that the hearing officer receives a timely written objection to conducting the hearing by videoconference in accordance with subdivision (c) of this section, the hearing officer may determine that the hearing shall not be conducted by videoconference and shall be conducted with the respondent or applicant and the hearing officer physically present at the same location, when in the judgment of the hearing officer:

1. the respondent’s or applicant’s due process rights would best be served by conducting a hearing in-person; or
2. there are circumstances presented by the respondent or applicant that make proceeding with the hearing by videoconference fundamentally unfair or impractical.

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 27, 2021.

Text of rule and any required statements and analyses may be obtained from: Sally Geisel, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 480-7608, email: Sally.Geisel@dény.gov

Regulatory Impact Statement
1. Statutory authority: Financial Services Law (“FSL”) Sections 102, 201, 202, 302 and 305 and the State Administrative Procedure Act Section 301.

FSL Section 102 states the legislative goals for the Department of Financial Services (“Department”) as including, among other things, “to establish a modern system of regulation, rule making and adjudication that is responsive to the needs of the banking and insurance industries and to the needs of the state’s consumers and residents”, and “to promote the reduction and elimination of fraud, criminal abuse and unethical conduct by, and with respect to, banking, insurance and other financial services institutions and their customers”.

FSL Section 201 authorizes the Superintendent of Financial Services ("Superintendent") to take such actions as she believes is necessary to, among other things, “foster the growth of the financial industry in New York and its fair state economic environment through judicious regulation and vigilant supervision”; “ensure the continued solvency, safety, soundness and prudent conduct of the providers of financial products and services”; and “eliminate criminal fraud, other criminal abuse and unethical conduct in the industry”.

FSL Section 202 establishes the Office of the Superintendent. FSL Section 302 empowers the Superintendent to, among other things, prescribe, amend, or withdraw rules and regulations involving financial products and services consistent with the Banking Law, Insurance Law, Financial Services Law, and any other law in which the Superintendent is given authority, including but not limited to governance of the procedures to be followed in the practice of the Department.

FSL Section 305 sets forth provisions regarding hearings held by the Department. State Administrative Procedure Act (“SAPA”) Article 3 governs adjudicatory proceedings. SAPA Section 301 directs all state agencies subject to SAPA to adopt rules governing the procedures on adjudicatory proceedings and appeals.

2. Legislative objectives: The statutory sections cited above establish the Legislature’s intentions for the Superintendent to modernize adjudication proceedings; ensure the financial solvency and sound practices of the individuals and entities that are regulated by the Superintendent; and protect consumers from fraud, criminal abuse and unethical conduct through the Superintendent’s supervision and regulation of the financial services, banking and insurance industries. This proposed amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing sections by specifying that the Department may hold administrative hearings by videoconference.

3. Needs and benefits: Since March 7, 2020, when Governor Andrew M. Cuomo issued Executive Order Number 202 declaring a disaster emergency in the State of New York in response to the novel coronavirus (“COVID-19”), there has been spread to millions of people worldwide, with more than 2,000,000 confirmed cases in New York State. There are still cases of New Yorkers testing positive for the virus in a 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, is spreading in the United States. The Delta variant is a more transmissible and contagious form of COVID-19 and may cause more severe symptoms and outcomes. Given the public health implications related to COVID-19, it is essential that the Department promulgate regulations that implement protective measures, whenever possible, to help stop its spread.

This amendment adds a new section 2.19 to 23 NYCRR Part 2, specify-
Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure

I.D. No. DFS-29-21-00011-E
Filing No. 808
Filing Date: 2021-07-06
Effective Date: 2021-07-06

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

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

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

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

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

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

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

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

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

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

(d) Telehealth.
(1) Telehealth has the meaning set forth in Insurance Law sections 3217-h and 4306-g and includes audio-only visits.
(2) For the purposes of Insurance Law sections 3217-h and 4306-g, an insurer may engage in reasonable fraud, waste and abuse detection efforts, including to prevent payments for services that do not warrant a separate billable encounter.

Section 52.18(h) is added as follows:

(b) Telehealth.
(1) Telehealth has the meaning set forth in Insurance Law sections 3217-h and 4306-g and includes audio-only visits.
(2) For the purposes of Insurance Law sections 3217-h and 4306-g, an insurer may engage in reasonable fraud, waste and abuse detection efforts, including to prevent payments for services that do not warrant a separate billable encounter.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the State Register at some future date. The emergency rule will expire October 3, 2021.
Standards of the federal government for the same or similar subject areas.

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

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

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

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

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

8. Administrative burden: The amendment did not impose any additional paperwork burden on the providers.

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

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

Regulatory Flexibility Analysis

1. Effect of rule: This rule affects health maintenance organizations and any associated insurers (collectively, “health care plans”) and health care providers (“providers”).

This amendment clarifies that telehealth includes audio-only visits (e.g., telephone calls) and that, for the purpose of telehealth, an insurer may engage in reasonable fraud, waste, and abuse detection efforts, including efforts to prevent payments for services that do not warrant a separate billable encounter. This amendment is not intended to cover services for which no charge is normally made consistent with 11 NYCRR section 52.16(c)(8).

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

This amendment does not affect local governments.

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

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

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

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

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business affected by this amendment, if any, may incur costs because it may need to file new policy or contract forms and rates. However, any additional costs incurred by the Department should be minimal, and the Department should be able to absorb the costs in its ordinary budget.

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 impose any adverse impact on a health care plan or provider that is a small business because the amendment uniformly affects all health care plans and providers. The Department of Financial Services (“Department”) considered the approaches suggested in State Administrative Procedure Act (“SAPA”) section 202-b(1) for minimizing adverse impacts but did not find them applicable.

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

Rural Area Flexibility Analysis

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

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

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

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

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

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

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

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

Job Impact Statement

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

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

L.D. No. DFS-29-21-00012-E

Filing No. 809

Filing Date: 2021-07-06

Effective Date: 2021-07-06

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

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

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

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

Specific reasons underlying the finding of necessity: Since March 7, 2020, when Governor Andrew M. Cuomo issued Executive Order Number 202 declaring a disaster emergency in the State of New York in response to the novel coronavirus (“COVID-19”) pandemic, the novel coronavirus (“COVID-19”) has spread to millions of people worldwide, with more than 2,000,000 confirmed cases in New York State. While the number of hospitalizations for COVID-19 has diminished sharply in New York, there are still cases of New Yorkers testing positive for the virus and a 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, is spreading in the United States. The Delta variant is a more transmissible and contagious form of COVID-19 and it may cause more severe symptoms and outcomes. Given the public health implications related to COVID-19, it is essential that cost-sharing not serve as a barrier to testing for COVID-19.

Consistent with the federal Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), codified at 15 U.S.C. Section 9001 et seq., this amendment prohibits health care plans that provide hospital, surgical, or medical expense insurance policies or contracts from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for covered in-network laboratory tests to diagnose COVID-19 and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider’s office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for the novel coronavirus (COVID-19), including an inpatient hospital admission, as otherwise permitted by law.

The amendment requires every health care plan to provide written notification to its in-network providers that they shall not collect any deductible, copayment, or coinsurance in accordance with this subdivision.

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

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

Regulatory Impact Statement


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

3. Needs and benefits: Since March 7, 2020, when Governor Andrew M. Cuomo issued Executive Order Number 202 declaring a disaster emergency in the State of New York in response to the novel coronavirus (“COVID-19”) pandemic, COVID-19 has spread to millions of people worldwide, with more than 2,000,000 confirmed cases in New York State. While the number of hospitalizations for COVID-19 has diminished sharply in New York, there are still cases of New Yorkers testing positive for the virus and a 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, is spreading in the United States. The Delta variant is a more transmissible and contagious form of COVID-19 and may cause more severe symptoms and outcomes. Given the public health implications related to COVID-19, it is essential that cost-sharing not serve as a barrier to testing for COVID-19.

Consistent with the federal Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), codified at 15 U.S.C. Section 9001 et seq., this amendment prohibits authorized insurers and health maintenance organizations (collectively, “health care plans”) that provide hospital, surgical, or medical expense insurance policies or contracts from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for covered in-network laboratory tests to diagnose COVID-19 and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider’s office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for COVID-19, including an inpatient hospital admission, as otherwise permitted by law.

The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network health care providers (“providers”) in order to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment. This notification should ensure that providers do not collect a copayment, coinsurance,
This amendment does not affect local governments.

A provider that is a small business may be subject to reporting, recordkeeping, or other compliance requirements as the amendment does not apply to any local government. No health care plan or provider that is a small business affected by this amendment should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business affected by this amendment, if any, may incur costs because it may be required to file new policy and contract forms and rates as a part of the normal course of business.

A provider that is a small business may incur additional costs to comply with the amendment, which may include costs to ensure that the insured is not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment at any time, including at the time services are provided.

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

Rural Area Flexibility Analysis

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

2. Reporting, recordkeeping, and other compliance requirements: A health care plan, including a health care plan in a rural area, may be subject to additional reporting, recordkeeping, or other compliance requirements because the health care plan may need to file new policy and contract forms and rates as a part of the normal course of business.

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

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business affected by this amendment, if any, may incur costs because it may be required to file new policy and contract forms and rates as a part of the normal course of business.

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

6. Paperwork: Health care plans are required to provide written notification to in-network providers regarding this amendment, but no costs should be minimal because a provider should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, with respect to any impacted claims.

This amendment may impose costs on providers because they will need to ensure that insureds are not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment at any time, including at the time services are provided. However, any additional costs should be minimal because health care plans submit policy or contract forms and rates with the Superintendent and will be required to provide written notification of the amendment to its in-network providers.

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

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

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

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

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

Regulatory Flexibility Analysis

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

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

This amendment may impose compliance costs on the Department because the amendment does not apply to any local government. A health care plan and a provider that is a small business affected by this amendment should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

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

This amendment may impose compliance costs on the Department because the Department will need to review amended policy and contract forms and rates. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, with respect to any impacted claims.

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

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Amendment of Video Lottery Gaming Regulations

I.D. No. SGC-29-21-00010-P

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

Proposed Action: This is a consensus rule making to amend sections 5100.2, 5103.8, 5104.1, 5109.3, 5112.1, 5112.2, 5112.5, 5113.5, 5116.1, 5116.2, 5116.4, 5116.5, 5116.7, 5116.8, 5116.10, 5116.11, 5118.9, Part 5122; and repeal sections 5112.3 and 5116.3 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19); Tax Law, sections 1617-a.

Subject: Amendment of video lottery gaming regulations.

Purpose: To amend the video lottery gaming regulations to reflect amendments to Tax Law section 1612.

Substance of proposed rule (Full text is posted at the following State website: https://www.gaming.ny.gov/proposedrules.php): Proposed changes to Rule 5100.2 would change the definitions of “marketing allowance” and “marketing allowance account” to reflect the amendments to Tax Law 1612. The changes are necessary to conform the agency’s regulations to the amendments to Tax Law 1612. Other stylistic changes are proposed.

Job Impact Statement

A job impact statement is not required for this rulemaking because the proposed amendments will not adversely affect jobs or employment opportunities and will not impose any adverse impact on jobs or employment opportunities.

Metropolitan Transportation Agency

EMERGENCY RULE MAKING

Requiring Mask Wearing When Using the Facilities and Conveyances of the MTA and its Operating Affiliates and Subsidiaries

I.D. No. MTA-16-21-00004-E

Filing No. 804

Filing Date: 2021-07-02

Effective Date: 2021-07-02

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

Action taken: Addition of Part 1030 to Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)
Finding of necessity for emergency rule: Preservation of public health, public welfare, and general welfare.

Specific reasons underlying the finding of necessity: The emergency rule, which complies with the Centers for Disease Control and Prevention’s Order effective February 1, 2021, and the Transportation Security Administration’s Security Directive (SD) 1582/84-21-01: Security Measures – Face Mask Requirements, effective at the same time, is necessary to safeguard public health and safety and to ensure through proper mask wearing that the public, health care providers, first responders, and other essential workers who rely on the Metropolitan Transportation Authority’s subways, buses, and commuter trains to get to and from work and also the Metropolitan Transportation Authority’s employees are protected during the COVID-19 outbreak.

Now that the New York City area has begun reopening and the Metropolitan Transportation Authority’s operating agencies are restoring service and anticipating increased ridership, it is imperative that all persons on all of the Metropolitan Transportation Authority’s subways, buses, and commuter trains fully comply with the Centers for Disease Control and Prevention’s Order requiring them to properly wear a safe mask covering their nose and mouth and maintain social distance as much as possible. Research has found that wearing a mask can reduce the rate of COVID-19 transmission significantly.

Subject: Requiring mask wearing when using the facilities and conveyances of the MTA and its operating affiliates and subsidiaries.

Purpose: To safeguard the public health and safety by adding a new agency rule requiring the use of masks in facilities and conveyances.

Text of emergency rule: Part 1030 Rules Governing the Conduct and Safety of the Public in the Use of the Terminals, Stations, Trains, Facilities, or Conveyances of the Metropolitan Transportation Authority

1030.1 Authorities covered by the rules of this Part
The rules set forth in this Part 1030 are established by the Metropolitan Transportation Authority (MTA) and applicable to it and to each of its affiliates and subsidiaries and each of its affiliates and subsidiaries and, without limitation, the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the MTA Bus Company, the Long Island Rail Road Company, and the Metro-North Commuter Railroad Company (each an “authority”).

1030.2 Requiring persons to wear masks
(a) This Section subpart 1030.2 wholly supersedes the emergency mask rules adopted and readopted by the following authorities: Part 1050.6(d)(1) (adopted by the New York City Transit Authority and the Manhattan and Bronx Surface Transit Operating Authority); Part 1044.4(g) (adopted by the Staten Island Rapid Transit Operating Authority); Part 1044.4(j)(adopted by the MTA Bus Company); Part 1085.4(g)(adopted by the Metro-North Commuter Railroad Company); and, Part 1097.4(e)(adopted by the Long Island Rail Road Company).
(b) Every person on or in any terminal, station, train, facility, or conveyance of any authority covered by this Part shall wear a mask that completely covers their mouth and nose. A mask should fit snugly but comfortably against the face and be secured to the head, with ties, ear loops, or elastic bands behind the head. A gaiter must have two layers of fabric or be folded to make two layers. A mask must be either manufactured or homemade and must be a solid piece of material without slits, exhalation valves, or punctures. Cloth masks should be made with two or more layers of breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source). Masks may be reusable or disposable. Medical masks and N-95 respirators fulfill this requirement.

The following do not meet this requirement:

(1) masks worn in a way that does not cover the nose and mouth
(2) face shields or goggles (though face shields or goggles may be worn to supplement a mask that meets the above required attributes)
(3) scarves, ski masks, balacallas, or bandannas
(4) shirt or sweater collars (i.e., turtleneck collars) pulled up over the mouth and nose
(5) masks made from loosely woven fabric or that are knitted (i.e., fabrics that let light pass through)
(6) masks made from material that is hard to breathe through (such as vinyl, plastic or leather)
(7) masks containing slits, exhalation valves or punctures.

The requirement to wear a mask shall not apply under the following circumstances:

(1) while eating or drinking for brief periods, but only in locations where eating and drinking otherwise are permitted, or while taking medication; prolonged periods of mask removal are not permitted for eating or drinking, the mask must be worn between bites and sips
(2) while communicating with a person who is hearing impaired when the ability to see the mouth is essential for communication
(3) while a person is unconscious (for reasons other than sleeping, incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance)
(4) when necessary to temporarily remove the mask to verify one’s identity or when asked to do so by any police officer, peace officer, or authority employee
(5) the following categories of persons are not required to wear a mask:
   (a) a child under the age of two years;
   (b) a person with a disability who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act;
   (c) a person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by applicable workplace safety guidelines or federal regulations.
(6) Any person who does not comply with the requirement to wear a mask that completely covers their mouth and nose may be barred from entering or remaining on or in any terminal, station, train, facility, or conveyance of any authority covered by this Part and also may be fined $50 per occurrence. This rule shall be enforced by each of the authorities on or in its terminals, stations, trains, facilities, or conveyances by any person authorized by such authority to enforce its own rules and pursuant to the procedures established by such authority for enforcing violations of its rules.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. MTA-16-21-00004-EP, Issue of April 1, 2021. The emergency rule will expire 30 days after the adoption of the permanent rule.

Text of rule and any required statements and analyses may be obtained from:
Peter Sistrom, Metropolitan Transportation Authority, 2 Broadway, New York, NY 10004, (212) 878-7176, email: psistrom@mta.com

Regulatory Impact Statement
Statutory authority: Section 12664(4) of the Public Authorities Law provides that the Metropolitan Transportation Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or any of its operating agencies. The federal Centers for Disease Control and Prevention issued an Order, effective January 1, 2021, that requires that all persons must wear masks over the mouth and nose when traveling on conveyances and while at transportation hubs to try to limit the transmission of COVID-19.

Costs:
(a) Regulated parties. The proposed rule governing conduct and safety does not impose any new costs on passengers or others.
(b) State and local government. The proposed rule governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed rule does not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department’s Transit Bureau is already responsible for enforcing any state or local government laws and regulations that govern the conduct and safety of the public on trains and stations operated by the Metropolitan Transportation Authority’s two commuter railroads.

Paperwork: The proposed rule does not impose any new reporting requirements.
The Commission may adopt, reject or modify, in whole or in part, any State or Federal rules. Federal standards: The proposed amended rule does not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency rule governing the conduct and safety of the public will be effective immediately.

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

A regulatory flexibility analysis for small business and local governments, a rural flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

**Assessment of Public Comment**

The agency received no public comment.

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**Public Service Commission**

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

**Proposed Revisions to the Companies Firm Demand Response Programs for the 2021 - 2022 Winter Season**

I.D. No. PSC-29-21-00003-P

Pursuant to the provisions of the state administrative procedure act, notice is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a petition filed by The Brooklyn Union Gas Company d/b/a National Grid NY and KeySpan East Corporation d/b/a National Grid (collectively, the Companies) regarding modifications to their firm demand response programs.

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

**Subject:** Proposed revisions to the Companies firm demand response programs for the 2021 - 2022 winter season.

**Purpose:** To determine whether to authorize the Companies’ proposed firm gas demand response programs and associated tariff leaves.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition (Petition) filed by The Brooklyn Union Gas Company d/b/a National Grid NY and KeySpan Energy East Corporation (KEDLI), (collectively, the Companies) on June 15, 2021, in Cases 20-G-0086 and 20-G-0087.

The petition requests approval of modifications to the Companies’ firm demand response programs. The petition includes a 2021-2022 Gas Demand Response Implementation Plan for the upcoming winter season. The petition also includes draft tariff leaves, which would amend KEDNY’s and KEDLI’s gas tariffs schedules, P.S.C. Nos. 12 and 1, respectively. The filing was required by the Commission’s Order Directing Implementation Plan Filing, Annual Reporting, and Tariff Modifications (DR Implementation Order), issued in Cases 20-G-0086 and 20-G-0087 on October 15, 2020.

Under the firm gas demand programs, the Companies can call upon firm customers (i.e., large commercial, industrial, and multi-family customers, selected at the Companies’ discretion) to curtail load when needed. Participants voluntarily choose to enroll in the firm gas demand response programs and agree to curtail their natural gas consumption for a defined time period in exchange for an economic incentive. The Companies propose several modifications to the elements of their existing 2020-2021 firm gas demand response programs. The proposed modifications are set forth in a 2021-2022 Gas Demand Response Implementation Plan submitted together with the petition.

The Companies also submitted draft tariff leaves to effectuate the firm gas demand response programs for the 2021-2022 winter season. The Companies request that the Commission address the petition, and allow the implementation of the tariff amendments by November 1, 2021. Additionally, the Companies request waiver of the newspaper publication requirements under Public Service Law Section 66(12) and 16 NYRR Section 720.8 with regard to the ultimate filing of the tariff leaves.

The full text of the petition and the full record of the proceedings 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.

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**Exemptions from Utility Standby Rates for Efficient Combined Heat and Power Projects**

I.D. No. PSC-29-21-00004-P

Pursuant to the provisions of the State Administrative Procedure Act, notice is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering two petitions for rehearing filed by the City of New York and the Northeast Clean Heat and Power Initiative of the May 14, 2021 Order Continuing Certain Exemptions to Standby Rates.

**Statutory authority:** Public Service Law, sections 64, 65(1), (2), (3), (5), 66(1), (2), (3), (5), (6), (8), (9), (10) and (12)

**Subject:** Exemptions from utility standby rates for efficient combined heat and power projects.

**Purpose:** To determine whether utility standby rate exemptions should be continued.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering petitions filed on June 14, 2021 by the City of New York (the City) and the Northeast Clean Heat and Power Initiative (NECHPI) seeking rehearing of the Order Continuing Certain Exemptions to Standby Rates (Standby Exemption Order).

The City and NECHPI separately filed petitions for rehearing (Petitions) alleging errors of fact and law, and requesting that the Commission instate a limited two-year standby rate exemption for all combined heat and power (CHP) projects, while the rate design rules for standby rates are further developed.

The petitions explain that, while significant progress has been made, it will be some time before redesigned standby and buyback rates are approved and implemented. In the interim, the petitions argue that CHP projects, which are excluded from the Standby Exemption Order, will be subject to flawed standby rates. Petitioners assert that a temporary exemption is needed for efficient CHP, as was granted for the other categories of qualifying resources.

The City states that standby rates are a barrier to efficient distributed energy resource (DER) market and argues that the Commission has consistently crafted exemptions to avoid unintentionally onerous burdens. According to the City, the Commission should have applied that same logic and extended an exemption to CHP systems with a capacity of less than 1 megawatt (MW) (called Lifetime Exempt CHP) and to systems with a capacity between 1 and 15 MW (referred to as Four-Year Exempt CHP) (collectively, the City calls Lifetime Exempt CHP and Four-Year Exempt CHP “Efficient CHP”). The City explains that it is committed to equitable and expeditious decarbonization, consistent with the goals of the Climate Leadership and Community Protection Act (CLCPA).

The City notes that the Commission recognized the merits of preserving standby rate exemptions while the framework for standby and buyback rates are redesigned, and asserts that the Commission arbitrarily refused to extend the exemption for Efficient CHP. Next, the City alleges that the Commission’s decision not to extend the two-year exemption to Efficient CHP lacks any substantive basis and is based on an error of fact. Finally, the City asserts that the Commission’s conclusion, whereby granting Efficient CHP an exemption would be a subsidy, is unsupported by the record and constitutes an error of fact.

NECHPI states that CHP projects provide substantial emission reduction benefits, and that the Commission erred by failing to account for the carbon emission benefits of CHP. NECHPI explains that with the retire-
ment of the Indian Point nuclear generating facility, the percentage of utility-scale zero-carbon generation has been greatly reduced and will result in increased use of fossil generation and increased greenhouse gas emissions. Accordingly, NECHPI argues that discouraging the continued development of CHP plants at the current time is inconsistent with the CLCPA.

Like the City, NECHPI asserts that the Commission erred by concluding that continuing the CHP exemptions constitutes a subsidy at odds with the CLCPA’s focus on rapid renewable deployment. NECHPI states that granting CHP the same treatment as the other qualifying resources would not be a subsidy, but rather, would be consistent and fair treatment. Efficient CHP has been categorized as a beneficial technology for 17 years and separating it from the other technologies at this point is unfair according to NECHPI. Furthermore, NECHPI advises that there is no evidence presented that CHP investment in the next two years is at odds with the CLCPA’s focus on rapid renewables deployment. NECHPI states that CHP is being increasingly paired with renewable technologies in order to smooth out the gaps between supply and demand. NECHPI argues that the Commission committed an error of fact or law by failing to account for the existing incentive associated with CHP from Local Law 97.

Finally, NECHPI suggests that the Commission failed to consider the severe project timeline impacts of the COVID-19 pandemic on at least two dozen CHP projects, including some that received New York State Energy Research and Development Authority CHP Catalog Program incentives. NECHPI argues that the Commission committed an error of fact by failing to take into account the delays that CHP projects suffered as a result of the pandemic.

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.

(19-E-0079SP3)

PROPOSED RULE MAKING

NO HEARING(S) SCHEDULED

Use of Pipeline Refund

I.D. No. PSC-29-21-00005-P

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

Purpose: To consider how a pipeline refund of $2.26 million will be utilized by National Fuel.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by National Fuel Gas Distribution Corporation (National Fuel) to utilize proceeds from a settlement entered into by National Fuel and Transcontinental Gas Pipe Line Company, LLC (Transco).

National Fuel’s refund from Transco is approximately $2.26 million, which is all owed to the Company’s New York division. National Fuel proposes to use $1.76 million of the refund to offset qualified Leaky Prone Pipe (LPP) replacement costs incurred by the Company, or to be used at the discretion of the Commission. The Company is allowed to recover LPP replacement costs using the System Modernization Tracker (SMT) mechanism through March 31, 2021. In a separate petition the Company is requesting authority to recover qualified LPP costs through March 31, 2023.

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.
Proposed Pilot Program to Use AMI to Disconnect Electric Service to Customers During Gas System Emergencies

I.D. No. PSC-29-21-00009-P

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

Proposed Action: The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. to implement a three-year pilot program using advanced meter infrastructure (AMI).

Statutory authority: Public Service Law, sections 65 and 66

Subject: Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies.

Purpose: To study the efficacy of using AMI to disconnect electric service during gas system emergencies.

Substance of proposed rule: The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. (Con Edison) to implement a three-year pilot program to study the efficacy of using advanced meter infrastructure (AMI) to temporarily disconnect electric service to selected customers in an area impacted by a gas emergency to prevent customer heating units and other gas appliances from firing, thereby providing temporary load relief to the Con Edison gas system.

According to Con Edison, it expects that the pilot program would, among other things, result in shorter outages and more rapid restoration of the gas system to normal conditions by avoiding the need to perform pilot re-lights for affected customers. Because gas will continue to flow to customers (only electric service will be discontinued) appliance pilot lights...
will remain lit. Con Edison claims that remote operation through AMI allows for quick and safe resumption of normal conditions so that gas heating systems can start up immediately and without the need to perform pilot light re-lights. This provides the opportunity to selectively effectuate emergency gas usage reductions more quickly, eliminating travel time to valve locations, and enhance gas system safety.

The full text of the petition and 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/96dir.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-G-0311SP1)

Department of State

EMERGENCY RULE MAKING

Renewal Processing Post COVID-19 Emergency Orders

I.D. No. DOS-29-21-00002-E
Filing No. 805
Filing Date: 2021-07-02
Effective Date: 2021-07-02

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

Action taken: Addition of Part 129 to Title 19 NYCRR.

Statutory authority: Executive Law, section 91

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

Specific reasons underlying the finding of necessity: On March 7, 2020, Governor Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York, relating to the COVID-19 pandemic. On March 27, 2020, Governor Cuomo issued Executive Order Number 202.11, authorizing, in part, individuals and businesses an extension of time to renew a license, permit, commission, authorization, or registration issued pursuant to Articles 6-D, 7, 7-A, 8-B, 8-C, 27, 28, 35-B, 35-C, 37-A, 39-E, 39-G, 41, or Section 399-pp of the General Business Law, or Articles 6-F, 6-H, or Sections 130-131 of the New York Executive Law, or Articles 12-A, 12-B, or 12-C of the Real Property Law, or Article 25 of the New York Arts and Cultural Affairs Law. These Orders were continued, by the Governor, based on the underlying declaration of the state disaster emergency, and were ultimately rescinded on June 24, 2021 by issuance of Executive Order Number 210.

To ensure that licensees will not have any gaps in licensure, and to ensure businesses relying on these licensees can continue to operate while any applicable paperwork is processed, the Department is filing this rule to deem applications submitted on or before July 24, 2021 to have been filed, nunc pro tunc, on June 24, 2021. This measure ensures that individuals and businesses can continue to provide valuable services to the public (e.g., security services), uninterrupted, while the Department addresses additional renewals. Accordingly, this rule is intended to be effective only for a short period of time to provide sufficient time for applications to be submitted and reviewed. This emergency rule therefore protects the general welfare and the safety of the public by temporarily preserving the status quo to ensure continuity of services to the public provided by licensees and by minimizing disruption to licensees as they seek renewal following the termination of the aforementioned Emergency Orders relating to the COVID-19 pandemic.

Subject: Renewal Processing Post COVID-19 Emergency Orders.

Purpose: To grant the Department of State time to process renewals submitted following termination of COVID-19 Emergency Orders.

Text of emergency rule: New Part 129 is added to Subchapter A of Chapter 3 of Title 19 of the NYCRR.

Part 129 – Renewal Processing Post COVID-19 Emergency Orders

Section 129.1 - Renewal Processing Post COVID-19 Emergency Orders

An application to renew a license, permit, commission, authorization, or registration issued pursuant to Articles 6-D, 7, 7-A, 8-B, 8-C, 27, 28, 35-B, 35-C, 37-A, 39-E, 39-G, 41, or Section 399-pp of the General Business Law, or Articles 6-F, 6-H, or Sections 130-131 of the New York Executive Law, or Articles 12-A, 12-B, or 12-C of the Real Property Law, or Article 25 of the New York Arts and Cultural Affairs Law, which is received by the Department of State, on or before July 24, 2021, with any applicable fees, shall be deemed to have been filed, nunc pro tunc, on June 24, 2021.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires July 24, 2021.

Text of rule and any required statements and analyses may be obtained from: David A. Mossberg, Esq., NYS Department of State, 99 Washington Avenue, 11th Floor, Albany, NY 12231, (518) 473-2728, email: david.mossberg@dos.ny.gov

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

A Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not submitted, but will be published in the Register within 30 days of the rule’s effective date.

Workers’ Compensation Board

NOTICE OF ADOPTION

Designated Contact Information

I.D. No. WCB-13-21-00003-A
Filing No. 800
Filing Date: 2021-07-02
Effective Date: 2021-07-21

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

Action taken: Addition of section 323.2 to Title 12 NYCRR.

Statutory authority: Workers’ Compensation Law, sections 25, 117 and 141

Subject: Designated contact information.

Purpose: To provide a compliance date for carriers, self-insured employers, or TPAs to designate points of contact in the PAR process.

Text or summary was published in the March 31, 2021 issue of the Register. I.D. No. WCB-13-21-00003-EP.

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

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

During the public comment period, the Board received one written comment.

The comment requested clarification about the email subject names or lines the prior authorization requests (PAR) will use. The Board has not made a change to the regulation in response to this comment because this regulation concerns the date for designating contacts (that was May 1, 2021), but has forwarded this inquiry about the actual process of prior authorization requests to the appropriate business unit at the Board for response.
NOTICE OF ADOPTION

Notice as Required for Compliance with the Formulary

I.D. No.  WCB-13-21-00004-A
Filing No.  802
Filing Date:  2021-07-02
Effective Date:  2021-07-21

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

Action taken:  Addition of section 323.3 to Title 12 NYCRR.
Statutory authority:  Workers’ Compensation Law, sections 117 and 141
Subject:  Notice as required for compliance with the Formulary.
Purpose:  To provide a compliance date for carriers, self-insured employers, or TPAs to provide notice as required by 12 NYCRR section 441.3(f).

Text or summary was published in the March 31, 2021 issue of the Register, I.D. No. WCB-13-21-00004-EP.

Final rule as compared with last published rule:  No changes.
Text of rule and any required statements and analyses may be obtained from:  Heather MacMaster, NYS Workers’ Compensation Board, Office of General Counsel, 328 State Street, Schenectady, NY 12305, (518) 486-9564, email: regulations@wcb.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
During the public comment period, the Board received one written comment.

The comment requested the deadline to comply be extended from May 1, 2021 to June 1, 2021 at the earliest. However, this comment was not received until May 3, 2021, after the deadline already passed, so no change has been made in response to this comment.

The comment also recommended specific changes to the OnBoard process. As this request is outside the scope of this regulation, which simply set a compliance date for notice, no change has been made.
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<tr>
<th>Agency I.D. No.</th>
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<tbody>
<tr>
<td>Environmental Conservation, Department of</td>
<td>Petroleum Bulk Storage (PBS)</td>
<td>Electronic webinar—August 17, 2021, 2:00 p.m. and 6:00 p.m.</td>
</tr>
<tr>
<td>ENV-24-21-00008-P</td>
<td></td>
<td>Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Parts 597, 598, and 613 by June 16, 2021. The proposed regulations webpage for 6 NYCRR Parts 597, 598, and 613 may be accessed at: <a href="https://www.dec.ny.gov/regulations/propregulations.html">https://www.dec.ny.gov/regulations/propregulations.html</a> Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Parts 597, 598, and 613 public comment hearing. The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than July 27, 2021. The written request must be addressed to Chief ALJ James T. McClymonds, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to Chief ALJ McClymonds at <a href="mailto:ohms@dec.ny.gov">ohms@dec.ny.gov</a>.</td>
</tr>
<tr>
<td>ENV-24-21-00009-P</td>
<td>Chemical Bulk Storage (CBS)</td>
<td>Electronic webinar—August 17, 2021, 2:00 p.m. and 6:00 p.m.</td>
</tr>
<tr>
<td>ENV-26-21-00003-P</td>
<td>Product Stewardship and Product Labeling</td>
<td>Electronic webinar—September 8, 2021, 10:00 a.m. and 2:00 p.m.</td>
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</table>
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
### 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.

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<tr>
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<th>Year published</th>
<th>Serial number</th>
<th>Action Code</th>
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<td>AAM</td>
<td>01</td>
<td>12</td>
<td>00001</td>
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Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

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<td><strong>AGRICULTURE AND MARKETS, DEPARTMENT OF</strong></td>
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<tr>
<td>AAM-21-21-00021-EP</td>
<td>05/26/22</td>
<td>Control of the European Cherry Fruit Fly</td>
<td>To help control the spread of the European Cherry Fruit Fly (ECFF), which renders cherries unmarketable if they are infested</td>
</tr>
<tr>
<td>AAM-23-21-00001-P</td>
<td>07/07/22</td>
<td>Regulated commodity labeling, packaging and method of sale requirements</td>
<td>Amend packaging, labeling &amp; method of sale requirements for various commodities to align with industry &amp; federal standards</td>
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</tbody>
</table>

| **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 |
## Action Pending Index

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<td>CFS-27-21-00003-P</td>
<td>07/07/22</td>
<td>For licensed and registered child care programs to comply with the anaphylaxis policy issued by NYS Department of Health</td>
<td>For licensed and registered child care programs to comply with the anaphylaxis policy issued by NYS Department of Health</td>
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<td><strong>CIVIL SERVICE, DEPARTMENT OF</strong></td>
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<td>To delete positions from and classify positions in the non-competitive class</td>
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<td>CVS-14-21-00001-P</td>
<td>04/07/22</td>
<td>Juneteenth Holiday</td>
<td>To add Juneteenth to the listing of holidays in the Attendance Rules</td>
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<td>CVS-14-21-00002-P</td>
<td>04/07/22</td>
<td>Supplemental military leave benefits</td>
<td>To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2021</td>
</tr>
<tr>
<td>CVS-19-21-00003-P</td>
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<td>Jurisdictional Classification</td>
<td>To delete a position from and classify a position in the exempt class</td>
</tr>
<tr>
<td>CVS-19-21-00004-P</td>
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<td>To classify positions in the non-competitive class</td>
</tr>
<tr>
<td>CVS-19-21-00005-P</td>
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<td>To delete a position from and classify positions in the non-competitive class</td>
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<td>CVS-23-21-00006-P</td>
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<td>To classify positions in the exempt class</td>
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<td>CVS-23-21-00007-P</td>
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<td>To classify a position in the exempt class</td>
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<tr>
<td>CVS-23-21-00008-P</td>
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<td>Jurisdictional Classification</td>
<td>To delete positions from the exempt class</td>
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<tr>
<td>CVS-27-21-00004-P</td>
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<td>Jurisdictional Classification</td>
<td>To classify positions in the exempt class</td>
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<tr>
<td>CVS-27-21-00005-P</td>
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<td>Jurisdictional Classification</td>
<td>To classify a position in the exempt class</td>
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<tr>
<td>Agency I.D. No.</td>
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<tr>
<td>CVS-27-21-00006-P</td>
<td>07/07/22</td>
<td>Jurisdictional Classification</td>
<td>To delete a position from and classify a position in the exempt class</td>
</tr>
<tr>
<td>CVS-27-21-00007-P</td>
<td>07/07/22</td>
<td>Jurisdictional Classification</td>
<td>To classify positions in the non-competitive class</td>
</tr>
<tr>
<td>CVS-27-21-00008-P</td>
<td>07/07/22</td>
<td>Jurisdictional Classification</td>
<td>To classify positions in the non-competitive class</td>
</tr>
<tr>
<td>COP-24-21-00011-P</td>
<td>exempt</td>
<td>Rate increases for pilot services</td>
<td>To offset costs being incurred by pilots by failure of users to properly assess assistance needed from pilots</td>
</tr>
<tr>
<td>CCS-34-20-00001-P</td>
<td>09/14/21</td>
<td>Family Reunion Program</td>
<td>To clarify for logic and consistency, and make additional changes to the current Family Reunion Program</td>
</tr>
<tr>
<td>EDV-48-20-00001-P</td>
<td>12/02/21</td>
<td>Employee Training Incentive Program</td>
<td>To update the administrative processes for the ETIP program</td>
</tr>
<tr>
<td>*EDU-17-19-00008-P</td>
<td>09/22/21</td>
<td>To require study in language acquisition and literacy development of English language learners in certain teacher preparation</td>
<td>To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population</td>
</tr>
<tr>
<td>*EDU-27-19-00010-P</td>
<td>07/24/21</td>
<td>Substantially Equivalent Instruction for Nonpublic School Students</td>
<td>Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law</td>
</tr>
<tr>
<td>*EDU-20-20-00008-ERP</td>
<td>11/16/21</td>
<td>Addressing the COVID-19 Crisis</td>
<td>To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis</td>
</tr>
<tr>
<td>EDU-08-21-00002-P</td>
<td>02/24/22</td>
<td>The Definition of the Term “University”</td>
<td>To clarify and broaden the definition of the term “university”</td>
</tr>
<tr>
<td>EDU-13-21-00011-EP</td>
<td>03/31/22</td>
<td>Licensure requirements for Land Surveyors</td>
<td>Adding and amending licensure requirements for Land Surveyors</td>
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<tr>
<td>EDU-13-21-00012-P</td>
<td>03/31/22</td>
<td>Renaming the Languages Other Than English (LOTE) learning standards to “World Languages”</td>
<td>To rename the LOTE learning standards to “World Languages” and corresponding changes to the certificate title and tenure titles</td>
</tr>
<tr>
<td>EDU-13-21-00013-P</td>
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<td>Eligibility of School Psychology Candidates for the Internship Certificate</td>
<td>To allow candidates enrolled in registered school psychology programs to be eligible for the Internship certificate</td>
</tr>
<tr>
<td>EDU-13-21-00014-EP</td>
<td>03/31/22</td>
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<td>To provide regulatory flexibility in response to the COVID-19 crisis</td>
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<td>Agency I.D. No.</td>
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<tr>
<td>EDU-17-21-0010-EP</td>
<td>04/28/22</td>
<td>Students' Eligibility to Participate in Interscholastic Competition Until the Conclusion of the Interscholastic Spring Season</td>
<td>To ensure that eligible students are able to complete their interscholastic athletic spring season the year they graduate</td>
</tr>
<tr>
<td>EDU-17-21-0011-P</td>
<td>04/28/22</td>
<td>Education Law 310 Appeals to the Commissioner and Initiation Conduct of Proceedings for the Removal of School Officers</td>
<td>To make technical changes and other clarifying amendments to section 310 appeal procedures and requirements</td>
</tr>
<tr>
<td>EDU-21-21-0006-P</td>
<td>05/26/22</td>
<td>Civic Readiness Pathway to Graduation and the New York State Seal of Civic Readiness</td>
<td>To establish the civic readiness pathway to graduation and the New York State Seal of Civic Readiness</td>
</tr>
<tr>
<td>EDU-21-21-0007-EP</td>
<td>05/26/22</td>
<td>Providing flexibility for hands-only CPR instruction, the NYS Seal of Biliteracy, and health examinations and certificates</td>
<td>To provide regulatory flexibility in response to the COVID-19 crisis</td>
</tr>
<tr>
<td>EDU-21-21-0008-P</td>
<td>05/26/22</td>
<td>Requirements for Chiropractic Education Programs and Education Requirements for Licensure as a Chiropractor</td>
<td>To conform the Commissioner's regulations to national education standards for postsecondary education</td>
</tr>
<tr>
<td>EDU-21-21-0009-P</td>
<td>05/26/22</td>
<td>School Counselor Bilingual &amp; Supplementary Bilingual Education Extension &amp; Registration Requirements</td>
<td>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</td>
</tr>
<tr>
<td>EDU-21-21-0010-P</td>
<td>05/26/22</td>
<td>Adding the Doctor of Business Administration (D.B.A.) Degree and Master of Theological Studies (M.T.S.) Degree in New York State</td>
<td>To add the D.B.A. degree and M.T.S. degree in New York State</td>
</tr>
<tr>
<td>EDU-25-21-0014-P</td>
<td>06/23/22</td>
<td>Permanent School Counselor Certificate Requirements</td>
<td>To allow candidates who have an expired Provisional School Counselor certificate and apply for a Permanent School Counselor certificate prior to February 2, 2023</td>
</tr>
<tr>
<td>EDU-25-21-0015-P</td>
<td>06/23/22</td>
<td>Extending the Instructional Hour COVID-19 Waiver to the 2021-22 School Year</td>
<td>To provide additional regulatory flexibility by extending the instructional hour COVID-19 waiver to the 2021-22 school year</td>
</tr>
<tr>
<td>EDU-25-21-0016-P</td>
<td>06/23/22</td>
<td>Mandatory Peer Review Program in the Profession of Public Accountancy</td>
<td>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</td>
</tr>
<tr>
<td>EDU-25-21-0017-P</td>
<td>06/23/22</td>
<td>Financial Viability, Accountability, and Evaluating Academic Progress in Licensed Private Career Schools &amp; Certified ESL Schools</td>
<td>To establish standards of financial viability, accountability, and evaluating academic progress in licensed private career schools and certified English as a second language schools</td>
</tr>
<tr>
<td>EDU-25-21-0018-EP</td>
<td>06/23/22</td>
<td>Permitting the Dignity for All Students Act (DASA) Training to be Provided Entirely Online Due to the COVID-19 Crisis</td>
<td>To permit DASA training to be provided entirely online through December 31, 2021 due to the COVID-19 crisis</td>
</tr>
<tr>
<td>Agency I.D. No.</td>
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<td>Subject Matter</td>
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</tr>
<tr>
<td>EDU-25-21-00019-EP</td>
<td>06/23/22</td>
<td>Two-Step Identification Process for Academic Services (AIS) for Students Who Will Be Enrolled in Grades 3-8 in 2021-22</td>
<td>To provide flexibility for the 2-step AIS identification process for students enrolled in grades 3-8 in the 2021-22 school year</td>
</tr>
<tr>
<td>SBE-13-21-00015-P</td>
<td>03/31/22</td>
<td>Implementation of Cyber Security Requirements for Local Boards of Elections</td>
<td>Requires that that every county board of elections adhere to a minimum level of cyber-security standards</td>
</tr>
<tr>
<td>ENV-03-21-00010-P</td>
<td>03/23/22</td>
<td>Application of Site-Specific Criteria to Class I and Class SD Waters</td>
<td>Add site-specific criteria to Class I and SD waters to provide additional water quality protection of the existing best uses</td>
</tr>
<tr>
<td>ENV-04-21-00008-P</td>
<td>04/07/22</td>
<td>Food Donation and Food Scraps Recycling</td>
<td>Required by Title 22 of Article 27, the rule increases food donation and the recycling of food scraps through composting</td>
</tr>
<tr>
<td>ENV-12-21-00004-P</td>
<td>03/24/22</td>
<td>Public use of Wildlife Management Areas, and areas with special regulations</td>
<td>To ensure that public use of WMAs and other sites does not interfere or conflict with intended purposes of those areas</td>
</tr>
<tr>
<td>ENV-16-21-00012-P</td>
<td>04/21/22</td>
<td>Regulations governing whelk management</td>
<td>To protect immature whelk from harvest and establish gear and reporting rules for marine resource protection and public safety</td>
</tr>
<tr>
<td>ENV-19-21-00001-P</td>
<td>07/20/22</td>
<td>Set monitoring, operational and reporting requirements for the oil and natural gas sector</td>
<td>Reduce emissions of methane and volatile organic compounds from the oil and natural gas sector</td>
</tr>
<tr>
<td>ENV-21-00001-EP</td>
<td>06/02/22</td>
<td>Peekamoose Valley Riparian Corridor</td>
<td>Protect public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor</td>
</tr>
<tr>
<td>ENV-23-21-00011-P</td>
<td>06/09/22</td>
<td>Deer and Bear Hunting</td>
<td>Strategically increase antlerless deer harvest, expand hunting hours, simplify bear hunting seasons, and enhance hunter safety</td>
</tr>
<tr>
<td>ENV-24-21-00007-P</td>
<td>06/16/22</td>
<td>Amendments to permit requirements for trapping fisher and marten in New York State</td>
<td>To remove the requirement for a special fisher trapping permit, and to simplify marten trapping requirements</td>
</tr>
<tr>
<td>ENV-24-21-00008-P</td>
<td>08/17/22</td>
<td>Petroleum Bulk Storage (PBS)</td>
<td>To amend the PBS regulations, 6 NYCRR Part 613</td>
</tr>
<tr>
<td>ENV-24-21-00009-P</td>
<td>08/17/22</td>
<td>Chemical Bulk Storage (CBS)</td>
<td>To repeal existing 6 NYCRR Parts 596, 598.599 and replace with new Part 598; and amend existing Part 597; for the CBS program</td>
</tr>
<tr>
<td>ENV-26-21-00003-P</td>
<td>09/08/22</td>
<td>Product Stewardship and Product Labeling</td>
<td>Expand, strengthen and clarify existing regulations to establish consistency with federal and state requirements</td>
</tr>
</tbody>
</table>

**FINANCIAL SERVICES, DEPARTMENT OF**

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<tbody>
<tr>
<td><em>DFS-17-16-00003-P</em></td>
<td>exempt</td>
<td>Plan of Conversion by Commercial Travelers Mutual Insurance Company</td>
<td>To convert a mutual accident and health insurance company to a stock accident and health insurance company</td>
</tr>
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<tr>
<td><strong>FINANCIAL SERVICES, DEPARTMENT OF</strong></td>
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</tr>
<tr>
<td><em>DFS-25-18-00006-P</em></td>
<td>exempt</td>
<td>Plan of Conversion by Medical Liability Mutual Insurance Company</td>
<td>To convert a mutual property and casualty insurance company to a stock property and casualty insurance company</td>
</tr>
<tr>
<td>DFS-49-20-00011-P</td>
<td>12/09/21</td>
<td>Credit for Reinsurance</td>
<td>To conform to covered agreements entered into between the US and EU and the US and UK, and implement NAIC models.</td>
</tr>
<tr>
<td>DFS-14-21-00007-P</td>
<td>04/07/22</td>
<td>Public Adjusters</td>
<td>To update the rule regarding public adjusters, including to conform to Chapter 546 of the Laws of 2013</td>
</tr>
<tr>
<td>DFS-27-21-00018-P</td>
<td>07/07/22</td>
<td>Brokers, Agents and Certain Other Licensees - General</td>
<td>To set forth classes licensees must complete to fulfill part of the 15 hour credit hours required by Ins Law Art. 21</td>
</tr>
<tr>
<td><strong>GAMING COMMISSION, NEW YORK STATE</strong></td>
<td></td>
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</tr>
<tr>
<td>SGC-34-20-00009-P</td>
<td>08/26/21</td>
<td>Qualification time in harness racing</td>
<td>To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government</td>
</tr>
<tr>
<td>SGC-50-20-00007-P</td>
<td>12/16/21</td>
<td>Contactless payment methods for chances in charitable gaming</td>
<td>To promote public health and support of organizations authorized to operate games of chance</td>
</tr>
<tr>
<td>SGC-09-21-00014-P</td>
<td>03/03/22</td>
<td>Lasix administrations on race day</td>
<td>To enhance the safety and integrity of pari-mutuel racing</td>
</tr>
<tr>
<td>SGC-29-21-00010-P</td>
<td>07/21/22</td>
<td>Amendment of video lottery gaming regulations</td>
<td>To amend the video lottery gaming regulations to reflect amendments to Tax Law 1612</td>
</tr>
<tr>
<td><strong>HEALTH, DEPARTMENT OF</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>HLT-14-94-00006-P</em></td>
<td>exempt</td>
<td>Payment methodology for HIV/AIDS outpatient services</td>
<td>To expand the current payment to incorporate pricing for services</td>
</tr>
<tr>
<td><em>HLT-46-19-00003-P</em></td>
<td>09/22/21</td>
<td>Tanning Facilities</td>
<td>To prohibit the use of indoor tanning facilities by individuals less than 18 years of age</td>
</tr>
<tr>
<td><em>HLT-47-19-00008-P</em></td>
<td>09/22/21</td>
<td>Hospital Medical Staff - Limited Permit Holders</td>
<td>To repeal extra years of training required for limited permit holders to work in New York State hospitals.</td>
</tr>
<tr>
<td><em>HLT-51-19-00001-P</em></td>
<td>09/22/21</td>
<td>Women, Infants and Children (WIC) Program</td>
<td>To support implementation of eWIC; clarify rules for violations, penalties &amp; hearings &amp; conform vendor authorization criteria.</td>
</tr>
<tr>
<td><em>HLT-04-20-00003-RP</em></td>
<td>10/22/21</td>
<td>Applied Behavior Analysis</td>
<td>To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.</td>
</tr>
<tr>
<td><em>HLT-11-20-00003-P</em></td>
<td>09/22/21</td>
<td>Adult Day Health Care (ADHC)</td>
<td>To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program</td>
</tr>
</tbody>
</table>
**HEALTH, DEPARTMENT OF**

*HLT-27-20-00006-P  . . . . . . . . . . . 09/22/21 Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards

*HLT-28-20-00019-RP  . . . . . . . . . . . 09/22/21 Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)

HLT-31-20-00012-EP  . . . . . . . . . . . exempt Hospital Non-comparable Ambulance Acute Rate Add-on

HLT-38-20-00006-P  . . . . . . . . . . . 09/23/21 Medicaid Transportation Program

HLT-45-20-00002-RP  . . . . . . . . . . . 11/10/21 Cannabinoid Hemp

HLT-05-21-00011-P  . . . . . . . . . . . 02/03/22 Ingredient Disclosures for Vapor Products and E-Cigarettes

HLT-09-21-00009-EP  . . . . . . . . . . . 03/03/22 Surrogacy Programs and Assisted Reproduction Service Providers

HLT-19-21-00002-EP  . . . . . . . . . . . 05/12/22 Meeting Space in Transitional Adult Homes

HLT-22-21-00003-P  . . . . . . . . . . . 06/02/22 Reducing Biannual Testing of Adult Care Facility Staff

HLT-22-21-00004-P  . . . . . . . . . . . 06/02/22 Hospice Residence Rates

HLT-22-21-00005-P  . . . . . . . . . . . 06/02/22 Stroke Services

HLT-22-21-00009-P  . . . . . . . . . . . 06/02/22 Managed Care Organizations (MCOs)

HLT-22-21-00010-P  . . . . . . . . . . . 06/02/22 Labeling Requirements Concerning Vent-Free Gas Space Heating Appliances

HLT-22-21-00018-P  . . . . . . . . . . . 07/14/22 Public Water Systems

**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

**Purpose of Action**

To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals

To implement a revised assessment process and eligibility criteria for PCS and CDPAP

Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program

Medicaid payment standards for emergency ambulance providers participating in an Emergency Triage, Treat & Transport (ET3) model

To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers

To provide for enhanced public awareness of the chemicals used in vapor products and electronic cigarettes

To license and regulate surrogacy programs

Establish criteria for suitable meeting space to ensure privacy in conversations and submit a compliance plan to the Department

To remove the requirement for biannual testing of adult care workers

To authorize Medicaid rate of payment to increase the Hospice Residence reimbursement rates by 10 percent

Amend transition period for existing stroke centers to allow the Dept. to extend the three year transition period, if necessary

To maintain the contingent reserve requirement at 7.25% through 2022 applied to Medicaid Managed Care, HIV SNP & HARP programs

To adjust the current labeling requirements for unvented gas space heating appliances

To correct typographic & minor technical errors to obtain primacy for the implementation of federal drinking water regulations

To comply with the requirements of Executive Law section 170-d
<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE</strong></td>
<td></td>
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</tr>
<tr>
<td>JPE-21-21-00002-P</td>
<td>05/26/22</td>
<td>Records access</td>
<td>To update regulations governing records access</td>
</tr>
<tr>
<td><strong>LABOR, DEPARTMENT OF</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>*LAB-46-19-00004-P</td>
<td>09/22/21</td>
<td>NY State Public Employees Occupational Safety and Health Standards</td>
<td>To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards</td>
</tr>
<tr>
<td>LAB-49-20-00012-P</td>
<td>12/09/21</td>
<td>Sick Leave Requirements</td>
<td>To provide definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law</td>
</tr>
<tr>
<td>LAB-05-21-00003-EP</td>
<td>02/03/22</td>
<td>Unemployment Insurance (UI) definition of “day of total unemployment”</td>
<td>To prevent an additional financial burden on UI claimants seeking part-time work opportunities and help employers obtain talent</td>
</tr>
<tr>
<td><strong>LIQUOR AUTHORITY, STATE</strong></td>
<td></td>
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</tr>
<tr>
<td>LQR-12-21-00005-P</td>
<td>06/09/22</td>
<td>Minimum curriculum requirements for ATAP schools</td>
<td>To add information regarding sexual violence prevention to minimum curriculum requirements for ATAP schools</td>
</tr>
<tr>
<td><strong>LONG ISLAND POWER AUTHORITY</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>*LPA-08-01-00003-P</td>
<td>exempt</td>
<td>Pole attachments and related matters</td>
<td>To approve revisions to the authority’s tariff</td>
</tr>
<tr>
<td>*LPA-41-02-00005-P</td>
<td>exempt</td>
<td>Tariff for electric service</td>
<td>To revise the tariff for electric service</td>
</tr>
<tr>
<td>*LPA-04-06-00007-P</td>
<td>exempt</td>
<td>Tariff for electric service</td>
<td>To adopt provisions of a ratepayer protection plan</td>
</tr>
<tr>
<td>*LPA-03-10-00004-P</td>
<td>exempt</td>
<td>Residential late payment charges</td>
<td>To extend the application of late payment charges to residential customers</td>
</tr>
<tr>
<td>*LPA-15-18-00013-P</td>
<td>exempt</td>
<td>Outdoor area lighting</td>
<td>To add an option and pricing for efficient LED lamps to the Authority’s outdoor area lighting</td>
</tr>
<tr>
<td>*LPA-37-18-00013-P</td>
<td>exempt</td>
<td>The net energy metering provisions of the Authority’s Tariff for Electric Service</td>
<td>To implement PSC guidance increasing eligibility for value stack compensation to larger projects</td>
</tr>
<tr>
<td>*LPA-37-18-00017-P</td>
<td>exempt</td>
<td>The treatment of electric vehicle charging in the Authority’s Tariff for Electric Service.</td>
<td>To effectuate the outcome of the Public Service Commission’s proceeding on electric vehicle supply equipment.</td>
</tr>
<tr>
<td>*LPA-37-18-00018-P</td>
<td>exempt</td>
<td>The treatment of energy storage in the Authority’s Tariff for Electric Service.</td>
<td>To effectuate the outcome of the Public Service Commission’s proceeding on the NY Energy Storage Roadmap.</td>
</tr>
<tr>
<td>*LPA-09-20-00010-P</td>
<td>exempt</td>
<td>To update and implement latest requirements for ESCOs proposing to do business within the Authority’s service territory.</td>
<td>To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.</td>
</tr>
<tr>
<td>*LPA-28-20-00033-EP</td>
<td>exempt</td>
<td>LIPA’s late payment charges, reconnection charges, and low-income customer discount enrollment</td>
<td>To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts</td>
</tr>
</tbody>
</table>
### LONG ISLAND POWER AUTHORITY

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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>LPA-37-20-00013-EP</td>
<td>exempt</td>
<td>The terms of deferred payment agreements available to LIPA’s commercial customers</td>
<td>To expand eligibility for and ease the terms of deferred payment agreements for LIPA’s commercial customers</td>
</tr>
<tr>
<td>LPA-12-21-00011-P</td>
<td>exempt</td>
<td>LIPA’s Long Island Choice (retail choice) tariff</td>
<td>To simplify and improve Long Island Choice based on stakeholder collaborative input</td>
</tr>
</tbody>
</table>

### LONG ISLAND RAILROAD COMPANY

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</thead>
<tbody>
<tr>
<td>LIR-39-20-00005-ERP</td>
<td>09/30/21</td>
<td>Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road</td>
<td>To safeguard the public health and safety on terminals, stations and trains operated by Long Island Rail Road</td>
</tr>
</tbody>
</table>

### MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY

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</thead>
<tbody>
<tr>
<td>MBA-39-20-00007-EP</td>
<td>09/30/21</td>
<td>Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MaBSTOA</td>
<td>To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system</td>
</tr>
</tbody>
</table>

### MENTAL HEALTH, OFFICE OF

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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>OMH-09-21-00001-EP</td>
<td>03/03/22</td>
<td>Redesigning Residential Treatment Facilities (RTF)</td>
<td>To provide clarity and provide uniformity relating to RTF’s and to implement Chapter 58 of the Laws of 2020</td>
</tr>
<tr>
<td>OMH-15-21-00001-EP</td>
<td>04/14/22</td>
<td>Residential treatment facility leave of absence</td>
<td>Update requirements for leave of absence in RTFs; Implement State Plan Amendments effective 7/1/18 (attachment 4.16C (pg 2 &amp; 3)</td>
</tr>
<tr>
<td>OMH-20-21-00006-P</td>
<td>05/19/22</td>
<td>Establishment of Youth Assertive Community Treatment (ACT)</td>
<td>To include children in the populations eligible to receive ACT and other conforming changes</td>
</tr>
</tbody>
</table>

### METRO-NORTH COMMUTER RAILROAD

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<tbody>
<tr>
<td>MCR-39-20-00004-EP</td>
<td>09/30/21</td>
<td>Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad</td>
<td>To safeguard the public health and safety by amending the rules to require use of masks when using Metro-North facilities</td>
</tr>
</tbody>
</table>

### METROPOLITAN TRANSPORTATION AGENCY

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<tbody>
<tr>
<td>MTA-39-20-00009-EP</td>
<td>09/30/21</td>
<td>Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company</td>
<td>To safeguard the public health and safety by amending rules to require use of masks when using MTA Bus facilities and conveyance</td>
</tr>
<tr>
<td>MTA-16-21-00004-EP</td>
<td>04/21/22</td>
<td>Requiring mask wearing when using the facilities and conveyances of the MTA and its operating affiliates and subsidiaries</td>
<td>To safeguard the public health and safety by adding a new all-agency rule requiring the use of masks in facilities and conveyances</td>
</tr>
</tbody>
</table>

### MOTOR VEHICLES, DEPARTMENT OF

<table>
<thead>
<tr>
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<td>MTV-21-21-00001-P</td>
<td>05/26/22</td>
<td>Dealer Document Fee</td>
<td>Raises the dealer document fee from $75 to $175</td>
</tr>
<tr>
<td>MTV-26-21-00002-P</td>
<td>06/30/22</td>
<td>Relicensing after revocation</td>
<td>Conforms regulation with Departmental longstanding practice of not issuing a proposed denial of license applications</td>
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<tr>
<td>NTA-39-20-00006-EP</td>
<td>09/30/21</td>
<td>Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority</td>
<td>To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system</td>
</tr>
<tr>
<td>*NFW-04-13-00004-EP</td>
<td>exempt</td>
<td>Adoption of Rates, Fees and Charges</td>
<td>To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders</td>
</tr>
<tr>
<td>*NFW-13-14-00006-EP</td>
<td>exempt</td>
<td>Adoption of Rates, Fees and Charges</td>
<td>To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders</td>
</tr>
<tr>
<td>*OBA-33-18-00019-P</td>
<td>exempt</td>
<td>Increase in Bridge Toll Structure</td>
<td>To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.</td>
</tr>
<tr>
<td>*OBA-07-19-00019-P</td>
<td>exempt</td>
<td>Increase in Bridge Toll Structure</td>
<td>To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.</td>
</tr>
<tr>
<td>*PAS-01-10-00010-P</td>
<td>exempt</td>
<td>Rates for the sale of power and energy</td>
<td>Update ECSB Programs customers’ service tariffs to streamline them/include additional required information</td>
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<tr>
<td>PAS-27-21-00017-P</td>
<td>exempt</td>
<td>Rates for the Sale of Power and Energy</td>
<td>To maintain the system’s integrity. This increase in rates is not the result of an Authority rate increase to the Village</td>
</tr>
<tr>
<td>*PSC-09-99-00012-P</td>
<td>exempt</td>
<td>Transfer of books and records by Citizens Utilities Company</td>
<td>To relocate Ogden Telephone Company’s books and records out-of-state</td>
</tr>
<tr>
<td>*PSC-15-99-00011-P</td>
<td>exempt</td>
<td>Electronic tariff by Woodcliff Park Corp.</td>
<td>To replace the company’s current tariff with an electronic tariff</td>
</tr>
<tr>
<td>*PSC-12-00-00001-P</td>
<td>exempt</td>
<td>Winter bundled sales service election date by Central Hudson Gas &amp; Electric Corporation</td>
<td>To revise the date</td>
</tr>
<tr>
<td>*PSC-44-01-00005-P</td>
<td>exempt</td>
<td>Annual reconciliation of gas costs by Corning Natural Gas Corporation</td>
<td>To authorize the company to include certain gas costs</td>
</tr>
<tr>
<td>*PSC-07-02-00032-P</td>
<td>exempt</td>
<td>Uniform business practices</td>
<td>To consider modification</td>
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<tr>
<td>*PSC-36-03-00010-P</td>
<td>exempt</td>
<td>Performance assurance plan by Verizon New York</td>
<td>To consider changes</td>
</tr>
<tr>
<td>*PSC-40-03-00015-P</td>
<td>exempt</td>
<td>Receipt of payment of bills by St. Lawrence Gas Company</td>
<td>To revise the process</td>
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<tr>
<td>*PSC-41-03-00010-P</td>
<td>exempt</td>
<td>Annual reconciliation of gas expenses and gas cost recoveries</td>
<td>To consider filings of various LDCs and municipalities</td>
</tr>
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<tr>
<td>PSC-41-03-00011-P</td>
<td>exempt</td>
<td>Annual reconciliation of gas expenses and gas cost recoveries</td>
<td>To consider filings of various LDCs and municipalities</td>
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<tr>
<td>PSC-44-03-00009-P</td>
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<td>Retail access data between jurisdictional utilities</td>
<td>To accommodate changes in retail access market structure or commission mandates</td>
</tr>
<tr>
<td>PSC-02-04-00008-P</td>
<td>exempt</td>
<td>Delivery rates for Con Edision's customers in New York City and Westchester County by the City of New York</td>
<td>To rehear the Nov. 25, 2003 order</td>
</tr>
<tr>
<td>PSC-06-04-00009-P</td>
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<td>Transfer of ownership interest by SCS Energy LLC and AE Investors LLC</td>
<td>To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC</td>
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<tr>
<td>PSC-10-04-00005-P</td>
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<td>Temporary protective order</td>
<td>To consider adopting a protective order</td>
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<td>PSC-10-04-00008-P</td>
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<td>Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue</td>
<td>To amend the agreement</td>
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<tr>
<td>PSC-14-04-00008-P</td>
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<td>Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds</td>
<td>To submeter gas service to commercial customers located at the Buffalo Speedway</td>
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<tr>
<td>PSC-15-04-00022-P</td>
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<td>Submetering of electricity by Glenn Gardens Associates, L.P.</td>
<td>To permit submetering at 175 W. 87th St., New York, NY</td>
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<tr>
<td>PSC-21-04-00013-P</td>
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<td>Verizon performance assurance plan by Metropolitan Telecommunications</td>
<td>To clarify the appropriate performance level</td>
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<tr>
<td>PSC-22-04-00010-P</td>
<td>exempt</td>
<td>Approval of new types of electricity meters by Powell Power Electric Company</td>
<td>To permit the use of the PE-1250 electronic meter</td>
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<tr>
<td>PSC-22-04-00013-P</td>
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<td>Major gas rate increase by Consolidated Edison Company of New York, Inc.</td>
<td>To increase annual gas revenues</td>
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<td>PSC-22-04-00016-P</td>
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<td>Master metering of water by South Liberty Corporation</td>
<td>To waive the requirement for installation of separate water meters</td>
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<td>PSC-25-04-00012-P</td>
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<td>Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.</td>
<td>To amend the agreement</td>
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<td>PSC-27-04-00008-P</td>
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<td>Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates</td>
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<tr>
<td>PSC-27-04-00009-P</td>
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<td>Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates</td>
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<td>PSC-28-04-00006-P</td>
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<td>Approval of loans by Dunkirk &amp; Fredonia Telephone Company and Cassadaga Telephone Corporation</td>
<td>To authorize participation in the parent corporation's line of credit</td>
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<td>PSC-31-04-00023-P</td>
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<td>Distributed generation service by Consolidated Edison Company of New York, Inc.</td>
<td>To provide an application form</td>
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<tr>
<td>PSC-34-04-00031-P</td>
<td>exempt</td>
<td>Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.</td>
<td>To set appropriate level of permanent rates</td>
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<tr>
<td>*PSC-35-04-00017-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Application form for distributed generation by Orange and Rockland Utilities, Inc.</td>
<td>To establish a new supplementary application form for customers</td>
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<tr>
<td>*PSC-43-04-00016-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Accounts receivable by Rochester Gas and Electric Corporation</td>
<td>To include in its tariff provisions for the purchase of ESCO accounts receivable</td>
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<tr>
<td>*PSC-46-04-00012-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Service application form by Consolidated Edison Company of New York, Inc.</td>
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</tr>
<tr>
<td>*PSC-46-04-00013-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Rules and guidelines governing installation of metering equipment</td>
<td>To establish uniform statewide business practices</td>
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<tr>
<td>*PSC-02-05-00006-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.</td>
<td>To consider imposing remedial actions against the company and its owners, officers and directors</td>
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<tr>
<td>*PSC-09-05-00009-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Submetering of natural gas service by Hamlet on Olde Oyster Bay</td>
<td>To consider submetering of natural gas to a commercial customer</td>
</tr>
<tr>
<td>*PSC-14-05-00006-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Request for deferred accounting authorization by Freeport Electric Inc.</td>
<td>To defer expenses beyond the end of the fiscal year</td>
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<td>*PSC-18-05-00009-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Marketer Assignment Program by Consolidated Edison Company of New York, Inc.</td>
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<tr>
<td>*PSC-20-05-00028-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Delivery point aggregation fee by Allied Frozen Storage, Inc.</td>
<td>To review the calculation of the fee</td>
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<tr>
<td>*PSC-25-05-00011-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Metering, balancing and cashout provisions by Central Hudson Gas &amp; Electric Corporation</td>
<td>To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11</td>
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<tr>
<td>*PSC-27-05-00018-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Annual reconciliation of gas costs by New York State Electric &amp; Gas Corporation</td>
<td>To consider the manner in which the gas cost incentive mechanism has been applied</td>
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<tr>
<td>*PSC-41-05-00013-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities</td>
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<tr>
<td>*PSC-45-05-00011-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation</td>
<td>To defer certain costs</td>
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<tr>
<td>*PSC-46-05-00015-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC</td>
<td>To consider the sale</td>
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<tr>
<td>*PSC-47-05-00009-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Transferral of gas supplies by Corning Natural Gas Corporation</td>
<td>To approve the transfer</td>
</tr>
<tr>
<td>*PSC-50-05-00008-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Long-term debt by Saratoga Glen Hollow Water Supply Corp.</td>
<td>To obtain long-term debt</td>
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<tr>
<td>*PSC-04-06-00024-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.</td>
<td>To approve of the transfer</td>
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<tr>
<td>*PSC-06-06-00015-P</td>
<td>. . . . . . . . . . . . exempt</td>
<td>Gas curtailment policies and procedures</td>
<td>To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established</td>
</tr>
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<tr>
<td>*PSC-07-06-00009-P</td>
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<td>Modification of the current Environmental Disclosure Program</td>
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<tr>
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<td>To assess the impacts</td>
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<tr>
<td>*PSC-22-06-00020-P</td>
<td>exempt</td>
<td>Hourly pricing by New York State Electric &amp; Gas Corporation</td>
<td>To assess the impacts</td>
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<td>*PSC-22-06-00021-P</td>
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<td>Hourly pricing by Rochester Gas &amp; Electric Corporation</td>
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<td>exempt</td>
<td>Hourly pricing by Consolidated Edison Company of New York, Inc.</td>
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<tr>
<td>*PSC-22-06-00023-P</td>
<td>exempt</td>
<td>Hourly pricing by Orange and Rockland Utilities, Inc.</td>
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<td>*PSC-24-06-00005-EP</td>
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<td>Supplemental home energy assistance benefits</td>
<td>To extend the deadline to Central Hudson's low-income customers</td>
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<tr>
<td>*PSC-25-06-00017-P</td>
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<td>Inter-carrier telephone service quality standards and metrics by the Carrier Working Group</td>
<td>To incorporate appropriate modifications</td>
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<td>*PSC-37-06-00015-P</td>
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<td>Procedures for estimation of customer bills by Rochester Gas and Electric Corporation</td>
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<tr>
<td>*PSC-37-06-00017-P</td>
<td>exempt</td>
<td>Procedures for estimation of customer bills by Rochester Gas and Electric Corporation</td>
<td>To consider estimation procedures</td>
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<tr>
<td>*PSC-43-06-00014-P</td>
<td>exempt</td>
<td>Electric delivery services by Strategic Power Management, Inc.</td>
<td>To determine the proper mechanism for the rate-recovery of costs</td>
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<tr>
<td>*PSC-04-07-00012-P</td>
<td>exempt</td>
<td>Petition for rehearing by Orange and Rockland Utilities, Inc.</td>
<td>To clarify the order</td>
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<tr>
<td>*PSC-06-07-00015-P</td>
<td>exempt</td>
<td>Meter reading and billing practices by Central Hudson Gas &amp; Electric Corporation</td>
<td>To continue current meter reading and billing practices for electric service</td>
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<tr>
<td>*PSC-06-07-00020-P</td>
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<td>Meter reading and billing practices by Central Hudson Gas &amp; Electric Corporation</td>
<td>To continue current meter reading and billing practices for gas service</td>
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<td>*PSC-11-07-00010-P</td>
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<td>Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.</td>
<td>To implement the recommendations in the staff's investigation</td>
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<tr>
<td>*PSC-11-07-00011-P</td>
<td>exempt</td>
<td>Storm-related power outages by Consolidated Edison Company of New York, Inc.</td>
<td>To modify the company's response to power outages, the timing for any such changes and other related matters</td>
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<td>*PSC-17-07-00008-P</td>
<td>exempt</td>
<td>Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.</td>
<td>To amend the agreement</td>
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<tr>
<td>*PSC-18-07-00010-P</td>
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<td>Existing electric generating stations by Independent Power Producers of New York, Inc.</td>
<td>To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation</td>
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<tr>
<td>*PSC-20-07-00016-P</td>
<td>exempt</td>
<td>Tariff revisions and making rates permanent by New York State Electric &amp; Gas Corporation</td>
<td>To seek rehearing</td>
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<tr>
<td>*PSC-21-07-00007-P</td>
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<td>Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation</td>
<td>To revise the rates, charges, rules and regulations for gas service</td>
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<tr>
<td>*PSC-22-07-00015-P</td>
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<td>Demand Side Management Program by Consolidated Edison Company of New York, Inc.</td>
<td>To recover incremental program costs and lost revenue</td>
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<tr>
<td>*PSC-23-07-00022-P</td>
<td>exempt</td>
<td>Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation</td>
<td>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</td>
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<td>*PSC-24-07-00012-P</td>
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<td>Gas Efficiency Program by the City of New York</td>
<td>To consider rehearing a decision establishing a Gas Efficiency Program</td>
</tr>
<tr>
<td>*PSC-39-07-00017-P</td>
<td>exempt</td>
<td>Gas bill issuance charge by New York State Electric &amp; Gas Corporation</td>
<td>To create a gas bill issuance charge unbundled from delivery rates</td>
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<tr>
<td>*PSC-41-07-00009-P</td>
<td>exempt</td>
<td>Submetering of electricity rehearing</td>
<td>To seek reversal</td>
</tr>
<tr>
<td>*PSC-42-07-00012-P</td>
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<tr>
<td>*PSC-42-07-00013-P</td>
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<td>Revenue decoupling by Orange and Rockland Utilities, Inc.</td>
<td>To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.</td>
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<tr>
<td>*PSC-45-07-00005-P</td>
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<tr>
<td>*PSC-02-08-00006-P</td>
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<td>To consider options for making additional codes</td>
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<td>*PSC-03-08-00006-P</td>
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<td>To grant or deny a petition for rehearing of the accounting determinations</td>
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<tr>
<td>*PSC-04-08-00010-P</td>
<td>exempt</td>
<td>Granting of easement rights on utility property by Central Hudson Gas &amp; Electric Corporation</td>
<td>To grant easement rights to Millennium Pipeline Company, L.L.C.</td>
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<tr>
<td>*PSC-04-08-00012-P</td>
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<td>Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs</td>
<td>To consider modifying the commission’s regulation over marketing practices of energy service companies</td>
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<tr>
<td>*PSC-08-08-00016-P</td>
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<td>Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.</td>
<td>To consider the transfer</td>
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<tr>
<td>*PSC-12-08-00019-P</td>
<td>exempt</td>
<td>Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation</td>
<td>To consider the request</td>
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<tr>
<td>*PSC-12-08-00021-P</td>
<td>exempt</td>
<td>Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation</td>
<td>To consider the request</td>
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<tr>
<td>*PSC-13-08-00011-P</td>
<td>exempt</td>
<td>Waiver of commission policy and NYSEG tariff by Turner Engineering, PC</td>
<td>To grant or deny Turner's petition</td>
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<tr>
<td>PSC-13-08-00012-P</td>
<td>. . . . . . exempt</td>
<td>Voltage drops by New York State Electric &amp; Gas Corporation</td>
<td>To grant or deny the petition</td>
</tr>
<tr>
<td>PSC-23-08-00008-P</td>
<td>. . . . . . exempt</td>
<td>Petition requesting rehearing and clarification of the commission’s April 25, 2008 order denying petition of public utility law project</td>
<td>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</td>
</tr>
<tr>
<td>PSC-25-08-00007-P</td>
<td>. . . . . . exempt</td>
<td>Policies and procedures regarding the selection of regulatory proposals to meet reliability needs</td>
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<td>PSC-25-08-00008-P</td>
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<td>Report on Callable Load Opportunities</td>
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<td>PSC-28-08-00004-P</td>
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<td>Con Edison’s procedure for providing customers access to their account information</td>
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<tr>
<td>PSC-31-08-00025-P</td>
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<td>Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)</td>
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<td>PSC-33-08-00008-P</td>
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<td>Noble Allegany’s request for lightened regulation</td>
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<td>PSC-41-08-00009-P</td>
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<td>Transfer of control of cable TV franchise</td>
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<td>PSC-43-08-00014-P</td>
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<td>PSC-46-08-00014-P</td>
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<tr>
<td>*PSC-48-08-00005-P</td>
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<td>Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects</td>
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<td>*PSC-06-09-00007-P</td>
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<td>To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets</td>
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<td>Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes</td>
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<tr>
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<td>*PSC-20-09-00017-P</td>
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<td>The recovery of, and accounting for, costs associated with CHG&amp;E’s AMI pilot program</td>
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<td>To determine whether any changes are warranted in the cost allocation of Consolidated Edison’s East River Repowering Project</td>
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<td>*PSC-25-09-00005-P</td>
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<td>Whether to grant, deny, or modify, in whole or in part, the petition</td>
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<td>Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847</td>
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<td>To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY</td>
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<td>*PSC-16-10-00007-P</td>
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<td>*PSC-16-10-00015-P</td>
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<td>Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access</td>
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<td>*PSC-18-10-00009-P</td>
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<td>To consider electric utility transmission right-of-way management practices</td>
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<td>To decide whether to approve National Grid’s request to transfer a parcel of vacant property in Fort Edward, New York</td>
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<td>Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service</td>
<td>Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service</td>
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<td>To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York</td>
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*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

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*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

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*PSC-26-11-00007-P . . . . . . . . . . . . exempt Water rates and charges To approve an increase in annual revenues by about $25,266 or 50%

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*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.

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*PSC-36-11-00006-P . . . . . . . . . . . . exempt To consider expanding mobile stray voltage testing requirements Adopt additional mobile stray voltage testing requirements

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<td>To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.</td>
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<td>Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.</td>
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<td>To ensure consumer protection for ESCO customers.</td>
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<tr>
<td>*PSC-20-16-00010-P</td>
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<td>Deferral and recovery of incremental expense.</td>
<td>To consider deferring costs of conducting leak survey and repairs for subsequent recovery.</td>
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<tr>
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<td>Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.</td>
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<td>*PSC-24-16-00009-P</td>
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<td>To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.</td>
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<td>To delay Companies’ third-party assessments of customer personally identifiable information until 2018.</td>
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<td>Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.</td>
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<td>*PSC-25-16-00026-P</td>
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<td>Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.</td>
<td>To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.</td>
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<td>*PSC-28-16-00017-P</td>
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<td>*PSC-36-16-00004-P</td>
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<td>*PSC-40-16-00025-P</td>
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<td>*PSC-47-16-00014-P</td>
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<td>PSC-20-17-00010-P</td>
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<td>Compressed natural gas as a motor fuel for diesel fueled vehicles.</td>
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<td>Proposed agreement for the provision of water service by Saratoga Water Services, Inc.</td>
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<td>To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.</td>
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<td>PSC-37-17-00005-P</td>
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<td>PSC-39-17-00011-P</td>
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<td>Whether to direct New York State Electric &amp; Gas to complete electric facility upgrades at no charge to Hanehan.</td>
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<td>To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.</td>
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<td>PSC-05-18-00004-P</td>
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<td>To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity</td>
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<td>PSC-07-18-00015-P</td>
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<td>To consider AEC’s petition requesting resolution of their billing dispute with National Grid.</td>
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<td>PSC-11-18-00004-P</td>
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<td>To consider TracFone’s petition seeking approval to participate in Lifeline.</td>
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<td>PSC-18-18-00009-P</td>
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<td>Transfer of control of Keene Valley Video Inc.</td>
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<td>PSC-24-18-00013-P</td>
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<td>Implementation of program rules for Renewable Energy Standard and ZEC requirements.</td>
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<td>Participation in Targeted Accessibility Fund</td>
<td>To encourage enhanced services for low-income consumers</td>
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<td>Overvaluing real property tax expense recovery in water rates</td>
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<td>Deferral of pre-staging and mobilization storm costs.</td>
<td>To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.</td>
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<td>PSC-35-18-00003-P</td>
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<td>Con Edison’s 2018 DSIP and BCA Handbook Update.</td>
<td>To continue Con Edison’s transition to a modern utility serving as a Distributed System Platform Provider.</td>
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<td>To continue NYSEG and RG&amp;E’s transition to modern utilities acting as Distributed System Platform Providers.</td>
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<td>National Grid’s 2018 DSIP and BCA Handbook Update.</td>
<td>To continue National Grid’s transition to a modern utility serving as a Distributed System Platform Provider.</td>
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<td>Central Hudson’s 2018 DSIP and BCA Handbook Update.</td>
<td>To continue Central Hudson’s transition to a modern utility serving as a Distributed System Platform Provider.</td>
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<td>O&amp;R’s 2018 DSIP and BCA Handbook Update.</td>
<td>To continue O&amp;R’s transition to a modern utility acting as a Distributed System Platform Provider.</td>
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<td>To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.</td>
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<td>To address the increased demand for natural gas in the Con Edison’s service territory and the limited pipeline capacity.</td>
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<td>To ensure that customer bills are based on accurate measurements of gas usage.</td>
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<td>To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.</td>
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<td>PSC-03-19-00002-P</td>
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<td>DPS Staff White Paper for who must be trained in 16 NYCR Part 753 requirements and how the Commission will approve trainings.</td>
<td>To reduce damage to underground utility facilities by requiring certain training and approving training curricula.</td>
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<tr>
<td>*PSC-04-19-00004-P</td>
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<td>Con Edison’s petition for the Gas Innovation Program and associated budget.</td>
<td>To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.</td>
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<tr>
<td>*PSC-04-19-00011-P</td>
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<td>To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.</td>
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<td>To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.</td>
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<td>*PSC-07-19-00009-P</td>
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<td>Whether to impose consequences on AAA for its non-compliance with Commission requirements.</td>
<td>To insure the provision of safe and adequate energy service at just and reasonable rates.</td>
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<td>*PSC-07-19-00016-P</td>
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<td>To consider the terms and conditions applicable to gas service.</td>
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<td>*PSC-12-19-00004-P</td>
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<td>To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.</td>
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<td>*PSC-13-19-00010-P</td>
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<td>To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.</td>
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<td>*PSC-19-19-00013-P</td>
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<td>*PSC-31-19-00015-P</td>
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<td>Proposed major rate increase in KEDNY's gas delivery revenues by $236.8 million (13.6% increase in total revenues).</td>
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<tr>
<td>*PSC-31-19-00016-P</td>
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<td>Proposed major rate increase in KEDLI's gas delivery revenues of approximately $49.4 million (or 4.1% in total revenues).</td>
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<td>*PSC-32-19-00012-P</td>
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<td>To ensure adequate submetering equipment and consumer protections are in place.</td>
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<tr>
<td>*PSC-39-19-00018-P</td>
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<td>Petition to submeter electricity.</td>
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<td>A voluntary residential three-part rate that would include fixed, usage and demand charges.</td>
<td>To provide qualifying residential customers with an optional three-part rate.</td>
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<td>PSC-44-19-00006-P</td>
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<td>. . . . . . exempt</td>
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<td>Proposed revisions to Standby Service Rates and Buyback Service Rates.</td>
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<td>Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith</td>
<td>To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021</td>
</tr>
<tr>
<td>TAF-21-21-00005-P</td>
<td>exempt</td>
<td>Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith</td>
<td>To set the sales tax component and the composite rate per gallon for the period July 1, 2021 through September 30, 2021</td>
</tr>
<tr>
<td>TDA-13-21-00010-P</td>
<td>03/31/22</td>
<td>Establishment of parentage</td>
<td>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</td>
</tr>
<tr>
<td>TDA-26-21-00014-EP</td>
<td>06/30/22</td>
<td>Camp fees</td>
<td>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</td>
</tr>
<tr>
<td>TRN-14-21-00004-P</td>
<td>04/07/22</td>
<td>Regulation of commercial motor carriers in New York State</td>
<td>The rule making updates Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers</td>
</tr>
<tr>
<td>*WCB-28-20-00003-EP</td>
<td>07/24/21</td>
<td>Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave</td>
<td>To clarify that employees may take PFL to care for a family member with COVID-19</td>
</tr>
<tr>
<td>WCB-42-20-00004-P</td>
<td>10/21/21</td>
<td>Medical Treatment Guidelines</td>
<td>To add PTSD and acute stress disorder, and major depressive disorder MTGs</td>
</tr>
<tr>
<td>WCB-42-20-00005-RP</td>
<td>10/21/21</td>
<td>Medical Treatment Guidelines</td>
<td>To add PTSD and acute stress disorder, and major depressive disorder MTGs</td>
</tr>
<tr>
<td>WCB-06-21-00013-P</td>
<td>02/10/22</td>
<td>Medical Treatment Guidelines</td>
<td>To update back, neck, shoulder, knee, and NAP MTGs</td>
</tr>
</tbody>
</table>
### WORKERS' COMPENSATION BOARD

<table>
<thead>
<tr>
<th>Agency I.D. No.</th>
<th>Expires</th>
<th>Subject Matter</th>
<th>Purpose of Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>WCB-13-21-00002-EP</td>
<td>03/31/22</td>
<td>Ambulatory surgery services fees</td>
<td>To update fees for ambulatory surgery services fees, especially due to the COVID-19 pandemic</td>
</tr>
<tr>
<td>WCB-13-21-00009-P</td>
<td>03/31/22</td>
<td>Updating the prescription drug formulary prior authorization process</td>
<td>To include medical marijuana in the prior authorization process</td>
</tr>
<tr>
<td>WCB-15-21-00003-P</td>
<td>04/14/22</td>
<td>Medical Treatment Guidelines</td>
<td>To update the NAP MTGs</td>
</tr>
<tr>
<td>WCB-21-21-00011-P</td>
<td>05/26/22</td>
<td>PFL intermittent leave</td>
<td>To clarify the number of intermittent leave days eligible employees can take</td>
</tr>
<tr>
<td>WCB-26-21-00001-P</td>
<td>06/30/22</td>
<td>Payment of medical bills and disputes</td>
<td>To require all objections to medical bills be made simultaneously and make process more efficient</td>
</tr>
<tr>
<td>WCB-28-21-00008-P</td>
<td>07/14/22</td>
<td>DME Fee Schedule</td>
<td>To correct codes ad update DME fee schedule</td>
</tr>
<tr>
<td>WCB-28-21-00009-P</td>
<td>07/14/22</td>
<td>Telehealth</td>
<td>Provides the option for telehealth visits in some circumstances</td>
</tr>
</tbody>
</table>
ADVERTISEMENTS FOR
BIDDERS/CONTRACTORS

SEALED BIDS

PROVIDE
HAZARDOUS MATERIAL ABATEMENT
Central New York Psychiatric Center
Marcy, Oneida County

Sealed bids for Project No. Q1815-C, comprising a contract for Construction Work, Provide Hazardous Material Abatement, Buildings 39 & 77, Central New York Psychiatric Center, 9005 Old River Road, Marcy (Oneida County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, July 28, 2021, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of $17,800 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $225,000 and $500,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, within the project manual or at: https://ogs.ny.gov/ACPL/form. Further information about these requirements can be found in Section 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between $225,000 and $500,000 for C.

OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on their own sight.

The substantial completion date for this project is 227 days after the Agreement is approved by the Comptroller.

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. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 0% for the C 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.

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 DCPplans@ogs.ny.gov, or call (518) 474-0203.
For additional information on this project, please use the link below and then click on the project number: https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp

By John D. Lewyckyj, Deputy Director
OGS - Design & Construction Group
NOTICE OF AVAILABILITY
OF STATE AND FEDERAL FUNDS

Division of Housing and Community Renewal
Housing Trust Fund Corporation
Hampton Plaza
38-40 State Street
Albany, NY 12207

PERSONS/FIRMS SPONSORING THE CONSTRUCTION
AND/OR REHABILITATION OF AFFORDABLE HOUSING FOR
LOW, MODERATE AND MIDDLE-INCOME PERSONS/
HOUSEHOLDS
Low-Income Housing Trust Fund Program (HTF); Community
Investment Fund Program (CIF); Supportive Housing Opportunity
Program (SHOP); Public Housing Preservation Program (PHP); Middle Income Housing Program (MIHP); Housing
Development Fund Program (HDF); Federal Housing Trust Fund
(FHTF); Senior Housing Program (SENR); HOME Program
(HOME); Federal Low-Income Housing Tax Credit Program
(LIHTC); New York State Low-Income Housing Tax Credit
Program (SLIHC)

DESCRIPTION:
New York State Homes and Community Renewal (HCR) announces
the availability of funding under the Low-Income Housing Trust Fund
Program (HTF); Community Investment Fund Program (CIF); Supportive
Housing Opportunity Program (SHOP); Public Housing Preservation
Program (PHP); Middle Income Housing Program (MIHP); Housing
Development Fund Program (HDF); federal Housing Trust Fund
(FHTF); Senior Housing Program (SENR); and, HOME Program
(HOME).

HCR also announces the availability of tax credits under the federal
Low-Income Housing Tax Credit Program (LIHTC) and New York
State Low-Income Housing Tax Credit Program (SLIHC).

The Summer 2021 HCR Multifamily Finance 9% Request for
Proposals (RFP) for site-specific multi-family project applications
seeking funding under these programs was made available on July 1,
2021. The RFP and application materials, including application
submission instructions, is available on the HCR website at https://
hcr.ny.gov/multifamily.

APPLICATION WEBINAR:
HCR will hold an application webinar that will include a presenta-
tion of project application requirements and process. Details for the
application webinar will be provided on the HCR website at https://
hcr.ny.gov/multifamily.

APPLICATION DEADLINES:
There is one Summer 2021 application deadline. Applications for
Summer 2021 projects must be completed and submitted by 11:59 PM
on August 26, 2021.

A $3,000 application fee is required for each LIHTC or SLIHC ap-
application with the following exception: not-for-profit applicants (or
their wholly-owned subsidiaries) that will be sole general partner of
the partnershipoproject owner or sole managing member of the limited
liability company/project owner may request a deferral of payment
until the time of credit allocation.

SUMMER 2021 FUNDS AVAILABLE:
Approximately up to $40 million in HTF funds; $4 million in CIF
funds; $23 million in SHOP funds; $15 million in PHP funds; $10
million in MIHP funds; $5 million in HDF funds; $13 million in FHTF
funds; $6 million in SENR funds; and, $10 million in HOME funds,
subject to availability of appropriations. HCR expects to have ap-
proximately up to $16 million available for LIHTC reservations. HCR
also expects to have approximately up to $2 million available for
SLIHC reservations.
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
Department of State
F-2021-0191
Date of Issuance – July 21, 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-2021-0191, The Village of Alexandria Bay is proposing to construct a new pile supported fixed wharf over and existing concrete wharf. The new wharf will extend into the St. Lawrence River slightly further than the existing wharf to even out an irregular alignment in the current wharf, but the maximum increase will be about 4 feet. The new wharf would increase the over water square footage by 504sf. The wharf would be supported by twenty (20) 12” concrete filled piles resulting in 4cy of structural fill below Ordinary Highwater. The piles would be embedded a minimum of 4’ into the underlying bedrock. The new wharf would have an 8” thick concrete slab over a 3” metal deck with a top elevation of 251’ (IGLD 1985). The wharf would have wood staving extending to ~242’. The project also involves additional upland improvements to the area.

The stated purpose of the proposal is: “to provide a resilient structure at a higher elevation then the current wharf and a reliable structure for larger boats to utilize during varying water levels.

The project is located at the Village of Alexandria Bay’s Scenic View Park at Eight Fuller Street in the Village of Alexandria Bay, Jefferson County on the St. Lawrence River.

This proposal is part of the New York State Lake Ontario Resiliency & Economic Development Initiative (REDI). REDI is a program created to increase the resilience of shoreline communities and bolster economic development throughout the Lake Ontario and St. Lawrence River regions of New York State. Additional information about the REDI program including project profiles can be found at: https://www.governor.ny.gov/programs/lake-ontario-resiliency-economic-development-initiative-redi

The applicant’s consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/f-2021-0191publicnotice.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, August 5, 2021.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE
Department of State
F-2021-0391
Date of Issuance – July 21, 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-2021-0391, Michael Farina proposes the installation of a 5’x 23’ and 5’x 20’ wood floating docks to be constructed off the existing float on the property. The floating docks will be supported by 4 timber float piles. The site is located on Merrick Bay, at 2950 Clubhouse Road, Merrick, NY, 11566, Nassau County.

The applicant’s consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2021/07/f-2021-0391farina.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 20, 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 Avenue, in Albany, New York.
PUBLIC NOTICE  
Department of State  
F-2021-0471  
Date of Issuance - July 21, 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-2021-0471, NP Staten Island Industrial LLC, is proposing a site redevelopment that includes four (4) buildings totaling approximately 2.15x million square feet; parking areas for passenger vehicles and commercial trailers; internal access roads and additional access point off Arthur Kill Road; new sanitary sewer, water, electrical, and gas infrastructure; and new stormwater management infrastructure. The project is located at 4101 Arthur Kill Road, Staten Island, Richmond County, Arthur Kill.

The stated purpose of the proposed action is to redevelop a currently underutilized property and fulfill a need for large-scale warehouse space in Staten Island, and New York City.

The applicant’s consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2021_07_f-2021-0471_np_staten_island_industrial_app.pdf.

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or August 20, 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.

2021-0347 Matter of Judith & Jessie Ellis, 64 Wooster St., Apt 5W, New York, NY 10012, for a variance concerning safety requirements, including a proposed addition to be constructed below the design flood elevation. Involved is an existing one-family dwelling located at 37 Huron Street, Ocean Bay Park, Town of Brookhaven, NY 11770, County of Suffolk, State of New York.

2021-0346 Matter of Lois Baskin & Bill Taubenfeld, 150 West End Ave., Apt. 1C, New York, NY 10023, for a variance concerning safety requirements, including a proposed addition to be constructed below the design flood elevation. Involved is an existing one-family dwelling located at 32 Fairway Avenue, Village of Seaview, Town of Islip, NY 11770, County of Suffolk, State of New York.

PUBLIC NOTICE  
Department of State  
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0349 Matter of Justus Joseph, 68 4th Avenue, Garden City Park, NY 11040, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 68 4th Avenue, Garden City Park, Town of North Hempstead, NY 11040, County of Nassau, State of New York.