
NEW YORK STATE

REGISTER

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

For notices published in this issue:

- the 60-day period expires on October 31, 2021
- the 45-day period expires on October 16, 2021
- the 30-day period expires on October 1, 2021

**KATHY HOCHUL
GOVERNOR**

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NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

Department of Environmental Conservation

NOTICE OF ADOPTION

Deer and Bear Hunting Seasons

I.D. No. ENV-23-21-00011-A

Filing No. 900

Filing Date: 2021-08-17

Effective Date: 2021-09-01

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

Action taken: Amendment of sections 1.11, 1.18, 1.31, 2.1; addition of section 2.15 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 3-0301, 11-0303 and 11-0903

Subject: Deer and bear hunting seasons.

Purpose: Strategically increase antlerless deer harvest, expand hunting hours, simplify bear hunting seasons, and enhance hunter safety.

Text or summary was published in the June 9, 2021 issue of the Register, I.D. No. ENV-23-21-00011-P.

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

Text of rule and any required statements and analyses may be obtained from: Jeremy Hurst, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754, (518) 402-8883, email: wildlife@dec.ny.gov

Additional matter required by statute: Pursuant to Article 8 of the Environmental Conservation Law, and the State Environmental Quality Review Act an Environmental Assessment Form and a negative declara-

tion determination of significance have been prepared and are on file with the Department.

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

The original Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement, as published in the Notice of Proposed Rule Making, remain valid and do not need to be amended.

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

DEC received approximately 430 comments regarding the proposed regulations. Some comments simply expressed support or opposition to the proposals. For other comments, we reviewed the substance and merit of the comment and provide a summary and response here, organized by topic.

1. September season for antlerless deer

Supportive Comment Summary: Supportive comments acknowledged that deer populations in the target Wildlife Management Units (WMUs) are too large or that the proposed season is necessary in areas where availability of Deer Management Permits (DMPs) exceeds hunter interest and additional antlerless harvest is needed. Writers were enthusiastic to avail themselves of the new opportunity and suggested that the warmer weather may be appreciated by youth and senior hunters. Other writers suggested the season be expanded to include additional WMUs.

Response: DEC agrees that proposed actions will provide new opportunity and are necessary for deer population management in the target WMUs. At this point, DEC biologists do not believe the September antlerless season is needed in other WMUs, because DEC can adjust annual issuance of DMPs to achieve desired harvest of antlerless deer. That is no longer the case in the WMUs targeted for the September antlerless season. As deer populations and harvest patterns change, DEC may add or remove WMUs from the September antlerless season.

Non-supportive Comment Summary: Writers opposed to the proposed nine-day antlerless season expressed concern that hunting with firearms in September would alter deer behavior and negatively impact the subsequent bowhunting season. Some writers suggested that the antlerless-only season will not yield desired results because hunters may not participate without opportunity to harvest an antlered deer or because they perceive challenges with private land access to be the critical factor influencing antlerless harvest. Other writers expressed concern for unintended consequences, suggesting that the September season will result in illegal harvest of antlered deer, be dangerous for other recreationists or farm workers, or result in spoiled meat because of warm temperatures. A few writers thought deer seasons are too long already. Some writers claimed that fawns are still dependent on does during September. Others claimed potential harvest of buck fawns is inconsistent with DEC's recommendations for hunters to voluntarily pass shots at young bucks. A few writers objected to inclusion of WMU 3M due to deer mortality from Epizootic Hemorrhagic Disease (EHD) in that unit in 2020. Some writers suggested alternatives including making the September season bowhunting-only, issuing 4 DMPs instead of 2 during the initial application period, eliminating the \$10 application fee for DMPs, restricting a portion of the regular firearms season to antlerless deer, or enacting an "earn-a-buck" requirement (i.e., require hunters to take a doe before a buck).

Response: DEC does not anticipate substantial impact on non-hunter safety or bowhunter success from the September season for antlerless deer. All existing firearms and bowhunting seasons overlap with other forms of outdoor recreation and avocations, and New York hunters have an excellent safety record. The basic rules of safe hunting require hunters to identify their target and what is beyond it.

For many years, New York has had firearms hunting seasons in September for squirrel, grouse, geese, and black bear. These and other outdoor activities continue through the bowhunting season, adding the scent and sounds of humans in areas where bowhunters may pursue deer. A 9-day deer season in September may increase human activity on hunted lands, but there will be anywhere from 8-14 days without deer hunting pressure prior to the start of early bow season. Research in other states found that deer no longer avoided hunting stand sites after 5 days without hunting pressure.

The proposed antlerless season does not address private land access but provides focused opportunity to use existing antlerless tags. With likely fewer hunters afield in September than during the regular season, private landowners may be more willing to grant access in September, particularly if they are concerned about the problems caused by overabundant deer and are interested in reducing deer numbers. Landowners may continue to control how hunters use their properties during the hunting seasons.

Previous antlerless-only deer seasons in other areas did not yield a noted increase in illegal killing of antlered bucks. DEC law enforcement will monitor the new hunting season and enforce violations if they arise. Hunters can assist by reporting any observed violations.

The September season is unlikely to substantially affect fawn welfare or harvest rates. Most fawns are weaned and no longer dependent on does by mid to late August. In September the size difference between adult does and fawns is more pronounced than in the fall, allowing hunters to effectively target the breeding population of adult female deer. This is efficient for management and will not compromise DEC's campaign to let young bucks go.

WMU 3M did experience some localized deer mortality from EHD in 2020, but subsequent deer harvest patterns suggest the disease did not appear to substantially affect the unit's overall deer population. The management objective for 3M is to reduce the population. For that to occur, additional antlerless harvest is necessary.

Hunters who participate in the proposed season must be prepared to cool and process harvested deer quickly to preserve the meat quality. New York bear hunters have adapted to the early bear season in mid-September. Likewise, hunters throughout southern states capably handle harvested deer in very warm temperatures.

Regarding the suggested alternatives, DMP availability is not the limiting factor for antlerless harvest in the target WMUs. Making more tags available earlier won't resolve the management issue. Similarly, a bow-only antlerless season is not adequate to achieve management objectives, and an antlerless-only portion of the regular firearms season doesn't capitalize on benefits of an early antlerless season (e.g., greater distinction between does and fawns, early season feeding patterns). An earn-a-buck approach likely would be very effective, but such requirements are controversial among hunters and are difficult to administer and enforce. However, a future earn-a-buck approach may be necessary if the antlerless-only season is not adequate to achieve desired harvests.

2. Antlerless harvest in the early muzzleloader season in WMUs 6A, 6F, and 6J

Comment Summary: Some hunters expressed support for the renewed opportunity to take deer of either-sex in these Northern Zone WMUs, indicating their perspective that the deer populations have increased and are capable of the additional antlerless harvest. These hunters welcomed the opportunity to harvest antlerless deer again. Other hunters opposed the season, believing that the deer population cannot sustain the additional antlerless harvest.

Response: DEC believes the proposed restoration of either-sex harvest during early muzzleloader season is compatible with current management objectives and population dynamics. Since DEC restricted harvest of antlerless deer in WMUs 6A, 6F and 6J, annual buck harvest trends suggest increasing deer populations in the units. The average harvest of antlered bucks increased in WMU 6A by 80% between 2014-15 and 2019-20. In WMUs 6F and 6J, the harvest of antlered bucks increased by 50% and 20% respectively between the same two time periods. Harvest patterns in WMUs 6F and 6J reflect population dynamics of other Adirondack units where hunters have continued to be able to take deer of either-sex during the early muzzleloader season. As in all WMUs, DEC will continue to monitor deer population trajectories in 6F and 6J and will adjust hunting regulations as needed.

3. Extending big game hunting hours

Comment Summary: Many writers expressed enthusiastic support for longer hunting hours, emphasizing the reality that ambient light sufficient for safe archery and firearm hunting exists before sunrise and after sunset. In contrast, some writers expressed concern that extending the daily hunting hours will decrease safety of non-hunters and increase the risk of hunters not recovering harvested animals. Several writers suggested a shorter extension of 10 or 15 minutes or beginning 30 minutes before sunrise and ending at sunset.

Response: There is no evidence that longer hunting hours will increase

hunting-related shooting incidents as states with existing longer hours report similar safety experiences during the extended periods as during full daylight periods. Currently, waterfowl and spring turkey hunting begin 30 minutes before sunrise, and furbearer hunting can occur at any time of day or night. DEC's Hunter Education program emphasizes target identification in all situations, and hunters must always be aware that others may be in the same area and ensure down range safety. Weather and vegetation conditions can dramatically affect visibility and sight distances at any time, and the time of day one can hunt has little bearing on the importance of target identification and safe consideration of what is beyond the target. Likewise, hunters bear responsibility to make wise and ethical shot choices and to make every reasonable effort to recover their harvest regardless of the time of day. All other states allow deer hunting beginning ½ hour before sunrise or earlier, or simply specify "daylight hours", and 46 of 50 states allow deer hunting until some period (mostly ½ hour) after sunset.

4. Fluorescent orange or pink requirement for big game hunting with a firearm

Comment Summary: Many writers expressed support for the proposal, indicating that requiring fluorescent orange or pink is a common-sense measure to increase hunter visibility and safety. Conversely, other writers were opposed to the proposed requirement, generally indicating that the use of orange or pink clothing should remain optional. Some opposition was based on misconceptions that: wearing orange will decrease their success; the proposal applies to bowhunting; hunting is safe enough; or hunters will be less careful about identifying their target if they do not see orange or pink. One writer was opposed to wearing bright clothing because they didn't want other hunters to know where they hunt. Another suggested the cost of acquiring an orange or pink hat or vest adds another barrier for new hunters. Suggested alternatives included only applying the requirement to hunting big game with a firearm on public lands, requiring all hunters, including bow and crossbow hunters, to wear orange or pink when hunting during a firearms big game season, or requiring all hunters and non-hunters to wear orange or pink when recreating on public land during a firearms big game season.

Response: DEC agrees that the proposal is a simple measure to improve safety of hunters pursuing deer or bear with a firearm. New York hunters have an exceptional safety record, but there is room for improvement. Most two-party hunting-related shooting incidents involve a hunter victim that was not wearing fluorescent orange or pink clothing. Most states and provinces require hunters to wear some degree of fluorescent orange clothing during firearms seasons, and there is no evidence that this requirement results in hunters exercising less discretion at identifying their downrange target.

Hunters who do not already possess fluorescent orange or pink clothing can acquire a suitable vest or hat for less than \$10. The proposal will not affect hunter success. Deer have different sensitivity to various wavelengths of light than humans. Deer see short wavelength colors such as blue and ultra-violet (which humans cannot see) brighter than humans do. However, deer are less sensitive to longer wavelengths such as orange and pink, which appear darker to deer and more like green or brown.

We appreciate the suggested alternatives. Only requiring orange or pink clothing for hunters on public land would neglect most big game hunting in New York that occurs on private land. We considered requiring all big game hunters to wear orange or pink regardless of the type of implement, but hunters who use a bow or crossbow are generally not involved in two-party hunting-related shooting incidents where fluorescent orange or pink would be beneficial. Furthermore, the victims of hunting-related shooting incidents are almost always other firearms hunters and not bow or crossbow hunters or non-hunting recreationists. DEC encourages non-hunting recreationists to wear bright colored clothing when using public lands during hunting seasons.

5. Simplifying bear hunting seasons in the Adirondacks and removing outdated regulations for deer tag use in September

Several writers supported the proposed simplification of the Adirondack bear season.

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Mobile Sports Wagering and Sports Wagering at Gaming Facilities

I.D. No. SGC-35-21-00010-P

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

Proposed Action: Amendment of Part 5329; addition of Part 5330 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), (24), 1307(1), (2)(g), 1367(1)(aa), (2)(a), (b), (4), (11), (12)(b), (e)(i), (g), (h), (i)(iv), (j), (13), 1367-a(4)(a)(ii), (iii), (xiv), (xv), (h), (5)(a); L. 2021, ch. 59, part Y, section 7

Subject: Mobile sports wagering and sports wagering at gaming facilities.

Purpose: To regulate and control mobile sports wagering and sports wagering as directed by statute.

Substance of proposed rule (Full text is posted at the following State website: www.gaming.ny.gov/proposedrules): The amendment of Part 5329 and the addition of Part 5330 of Subtitle T of Title 9 NYCRR will allow the New York State Gaming Commission ("Commission") to prescribe the rules for mobile sports wagering through servers located at casinos and improve sports wagering regulation at casinos given amendments to Racing, Pari-Mutuel Wagering and Breeding Law section 1367 and the addition of section 1367-a.

Amendments to section 5329.1 clarify that Part 5329 applies to existing sports wagering at casinos in sports lounges and other locations accessible to the public and amend definitions applicable to sports wagering to conform to Racing, Pari-Mutuel Wagering and Breeding Law section 1367. The amendments set forth a definition of casino sports wagering licensee to distinguish the casino licensee from operator vendors, and harmonize the definition of a prohibited sports bettor with the mobile sports wagering regulations set forth in Part 5330.

Amendments to sections 5329.2 through 5329.34 and 5329.36 update nomenclature consistent with the definitions and cross-references to statute. Other stylistic changes are made.

An amendment to section 5329.4 sets forth explicitly that the acts, omissions and knowledge of a sports pool vendor shall be imputed to and also shall be the responsibility of the casino sports wagering licensee.

Amendments to section 5329.8 require that internal controls include procedures to ensure no sports wagering shall be based on a prohibited sports event and describe data sources used in wager determinations.

An amendment to section 5329.8 requires official data from a sports wagering governing body be used to determine all sports wagers, unless the licensee demonstrates to the satisfaction of the Commission that wagers for a wager type may be determined objectively, reliably, accurately and timely by an alternative data source.

Amendments to section 5329.12 add further requirements for house rules on wagering.

An amendment to section 5329.13 permits the Commission to consider the views of a league association or organization in considering approval of a wager type.

Amendments to section 5329.15 contemplate layoff wagers relating to mobile sports wagering and address timing of notification to the Commission.

An amendment to section 5329.16 eliminates lock-time provisions, given the prevalence of in-game wagering.

An amendment to section 5329.17 removes a rescission provision, which is now addressed in section 5329.21.

Amendments to section 5329.26 require a licensee or vendor to immediately report any suspected criminal activity to the Commission, add other reporting requirements required by statute and address other statutory requirements.

An amendment to section 5329.29 sets forth a licensee's calendar year recap responsibilities mandated by statute.

Section 5330.1 sets forth the applicability of Part 5330 to mobile sports wagering and sets forth definitions applicable to mobile sports wagering.

Section 5330.2 sets forth licensing provisions for mobile sports wagering platform providers and skins to be selected through the competitive process required by statute.

Section 5330.3 sets forth that the term of a mobile sports wagering license shall be up to 10 years.

Section 5330.4 describes mobile sports wagering vendors and sets forth that the licensing standard for such vendors shall be equivalent to those of a casino vendor enterprise.

Section 5330.5 establishes a continuing duty to report mobile sports wagering licensee and mobile sports wagering vendor changes.

Section 5330.6 describes the occupational licensing requirements of individuals involved in mobile sports wagering.

Section 5330.7 incorporates sports wagering regulations from section 5329.7 that authorize Commission action in the event of misconduct or improper associations.

Section 5330.8 requires internal controls and sets forth minimum requirements for internal controls in mobile sports wagering.

Section 5330.10 sets forth mobile sports wagering system requirements.

Section 5330.12 incorporates sports wagering regulations from section 5329.12 requiring each skin to establish house rules for mobile sports wagering and sets forth minimum requirements for house rules.

Section 5330.13 incorporates sports wagering regulations from section 5329.13 regulating wager types and sets forth that prior Commission approval of a wager type is required.

Section 5330.15 allows layoff wagers as a risk management tool.

Section 5330.17 sets forth a requirement that a mobile sports wager is not valid until accepted at a server or other electronic equipment located at a casino.

Section 5330.19 incorporates sports wagering regulations from section 5329.19 setting forth certain restrictions on wagering, including by minors, prohibited persons and proxies.

Section 5330.21 incorporates sports wagering regulations from section 5329.21 regulating circumstances under which wagers may be cancelled or rescinded.

Section 5330.23 sets forth requirements relating to addressing sports bettor complaints.

Section 5330.24 sets forth skin reserve requirements.

Section 5330.25 incorporates sports wagering regulations from section 5329.25 prohibiting dishonest actions in connection with mobile sports wagering.

Section 5330.26 incorporates sports wagering regulations from section 5329.26 establishing duties to report dishonest or unlawful acts, bribes, suspicious activity and suspected money laundering.

Section 5330.27 incorporates sports wagering regulations from section 5329.27 requiring the establishment of controls to identify unusual betting activity and requiring the retention of an integrity monitoring provider to assist in the identification of suspicious betting activity and cooperation with others in protecting the integrity of underlying sports events.

Section 5330.28 sets forth regulations in regard to the payment and reporting of tax.

Section 5330.29 sets forth procedures to report and reconcile gross gaming revenue.

Section 5330.30 incorporates sports wagering regulations from section 5329.30 setting forth requirements for accounting and financial records.

Section 5330.31 incorporates sports wagering regulations from section 5329.31 establishing a duty to give evidence to the Commission when requested or ordered to do so.

Section 5330.32 incorporates sports wagering regulations from section 5329.32 requiring compliance assessments.

Section 5330.33 incorporates sports wagering regulations from section 5329.33 empowering the Commission to review and examine records.

Section 5330.34 requires compliance with responsible gaming obligations.

Section 5330.36 incorporates sports wagering regulations from section 5329.36 setting forth the Commission's power to suspend or revoke licenses or impose fines, when appropriate.

Section 5330.37 sets forth requirements for authorized sports bettor accounts in mobile sports wagering.

Section 5330.38 sets forth requirements of mobile sports wagering promotions.

Section 5330.39 sets forth timing for the payment of license fees required by statute.

Section 5330.40 sets forth requirements for mobile sports wagering servers and other equipment.

Section 5330.41 sets forth requirements for the assessment of regulatory costs.

Section 5330.42 sets forth requirements for the assessment of costs to produce the annual report required by statute.

Section 5330.43 sets forth a requirement for skins to comply with anti-money laundering requirements applicable to casinos.

Sections 5330.9, 5330.11, 5330.14, 5330.16, 5330.18, 5330.20, 5330.22 and 5330.35 are reserved, because the topics in the parallel provisions of similarly numbered sections in Part 5329 are not applicable to mobile sports wagering.

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

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

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

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

Regulatory Impact Statement

1. **STATUTORY AUTHORITY:** Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) section 104(19) grants authority to the Gaming Commission (“Commission”) to promulgate rules and regulations that it deems necessary to carry out its responsibilities.

Racing Law section 104(24) authorizes the Commission to regulate sports wagering.

Racing Law section 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

Racing Law section 1307(2)(g) authorizes the Commission to define and limit areas of operation, the rules of authorized games, the devices permitted and the method of operation of such games and devices.

Racing Law section 1367(1)(aa) authorizes the Commission to regulate matters concerning unusual sports wagering and mobile sports wagering activity.

Racing Law section 1367(2)(a) authorizes the Commission to promulgate regulations in regard to the operation of sports pools.

Racing Law section 1367(2)(b) authorizes the Commission to regulate the requirements of sports lounges.

Racing Law section 1367(4) authorizes the Commission to regulate the conduct of sports wagering.

Racing Law section 1367(11) authorizes the Commission to regulate restrictions on sports wagering when a sports governing body notifies the Commission of a desire to restrict, limit or exclude wagering on its sporting events.

Racing Law section 1367(12)(b) authorizes the Commission to regulate recordkeeping in sports wagering.

Racing Law subparagraphs 1367(12)(e)(i), (g) and (h) authorize the Commission to regulate matters of integrity monitoring of sporting events.

Racing Law section 1367(12)(i)(iv) authorizes the Commission to regulate matters of prohibited sports bettors.

Racing Law section 1367(12)(j) authorizes the Commission to regulate investigations and resolution of charges.

Racing Law sections 1367(13) and 1367-a(4)(a)(xiv) and (xv) authorize the Commission to regulate matters concerning responsible gaming.

Racing Law section 1367-a(4)(a)(ii) authorizes the Commission to regulate the location of bettors in the State.

Racing Law section 1367-a(4)(a)(iii) authorizes the Commission to prohibit minors from participating in sports wagering.

Racing Law section 1367-a(4)(h) authorizes the Commission to regulate matters concerning servers or other equipment used to accept mobile sports wagers.

Racing Law section 1367-a(5)(a) authorizes the Commission to regulate the funding of authorized bettor accounts in mobile sports wagering.

Section 7 of Part Y of Chapter 59 of the Laws of 2021 authorizes the Commission to promulgate any rules and regulations it deems necessary to regulate mobile sports wagering.

2. **LEGISLATIVE OBJECTIVES:** The above referenced statutory provisions carry out the legislature’s stated goals “to tightly and strictly” regulate casinos “to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state,” as set forth in Racing Law section 1300(10), and ensure that mobile sports wagering that meets safeguards set forth in statute would mitigate revenue lost to other states, as set forth in section 1 of Part Y of Chapter 59 of the Laws of 2021.

3. **NEEDS AND BENEFITS:** The proposed rules are necessary because statutes direct the Commission to implement statutory requirements through rulemaking and develop regulations in regard to aspects of sports wagering at casinos and mobile sports wagering conducted through servers or other equipment at casinos. In particular, Racing Law section 1367(4) directs the Commission to promulgate regulations necessary to carry out the provisions of sections 1367 and 1367-a authorizing both sports wagering at casinos and mobile sports wagering conducted through servers or other equipment at casinos, including, but not limited to, regulations governing the:

(a) amount of cash reserves to be maintained by operators to cover winning wagers;

(b) acceptance of wagers on a series of sports events;

(c) maximum wagers which may be accepted by an operator from any one patron on any one sports event;

(d) type of wagering tickets which may be used;

(e) method of issuing tickets;

(f) method of accounting to be used by operators;

(g) types of records which shall be kept;

(h) use of credit and checks by patrons;

(i) type of system for wagering; and

(j) protections for a person placing a wager.

Adoption of the regulations would allow licensed gaming facilities to continue to conduct sports wagering and allow new licensees to conduct mobile sports wagering, thereby increasing appeal to patrons, gaming facility revenue and tax revenue to the State, within a regulatory environment designed to protect patrons, promote the integrity of wagering, enhance monitoring of the integrity of underlying sports events that are the subject of wagering and promote responsible gaming.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and/or continuing compliance with this rule: The anticipated cost of implementing and complying with the proposed regulations is not yet determined, but would entail an investment in systems, vendors and integrity monitoring providers, among other things.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The costs to the Commission for the implementation of and continued administration of the rule will be negligible given that all such costs are the responsibility of the licensed parties. These rules will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission’s experience regulating gaming activities within the State.

5. **LOCAL GOVERNMENT MANDATES:** There are no local government mandates associated with these rules.

6. **PAPERWORK:** The rules are not expected to impose any significant paperwork or reporting requirements on the regulated entities.

7. **DUPLICATION:** The rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. **ALTERNATIVES:** The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulations. Alternatives were discussed and considered with stakeholders and compared to other jurisdiction regulations, such as whether wager types should require Commission approval, what type of suspicious activity should be reported to the Commission, requirements for bettor location and server or other equipment location and other matters. Racing Law section 1367(4) directs the Commission “to regulate sports pools and the conduct of sports wagering...to the same extent that the commission regulates other gaming” and provides, “In developing rules and regulations applicable to sports wagering, the commission shall examine the regulations implemented in other states where sports wagering is conducted and shall, as far as practicable, adopt a similar regulatory framework.”

9. **FEDERAL STANDARDS:** There are no federal standards applicable to the licensing of gaming facilities in New York; it is purely a matter of New York State law.

10. **COMPLIANCE SCHEDULE:** The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

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

The proposed rules will not have any adverse impact on small businesses, local governments, jobs or rural areas. These rules are intended to promote public confidence and trust in the credibility and integrity of mobile sports wagering and sports wagering at casinos in New York State.

The proposed rules do not impact local governments or small businesses as no local government or small business is eligible to hold a mobile sports wagering license or sports pool license and no local government or small business is anticipated to be a mobile sports wagering or sports pool vendor.

The proposed rules impose no adverse impact on rural areas. The rules apply uniformly throughout the state.

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

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

Department of Health

EMERGENCY RULE MAKING

Hospital Non-Comparable Ambulance Acute Rate Add-On

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

Filing No. 899

Filing Date: 2021-08-12

Effective Date: 2021-08-12

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

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

Statutory authority: L. 2020, ch. 56

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

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

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

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

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HLT-31-20-00012-P, Issue of August 5, 2020. The emergency rule will expire October 10, 2021.

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

Regulatory Impact Statement

Statutory Authority:

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

Legislative Objectives:

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

Needs and Benefits:

Based on the requirements of Chapter 56 of the Laws of 2020, eligible ground emergency transportation providers will be provided the ability to participate in a supplemental payment in lieu of receiving reimbursement through a hospital. Article 28 hospitals currently receive reimbursement through their acute hospital inpatient rate for ambulance services provided by the ground emergency medical transportation providers. For ground emergency transportation providers that meet the requirements of this chapter and receive the supplemental payment, the hospitals through which they were reimbursed will not be eligible to also receive the ambulance add-on in the acute hospital inpatient rate.

Costs:

Costs to Private Regulated Parties:

There will be no additional costs to private regulated parties.

Costs to State Government:

There is no cost to State Government for this proposed regulation.

Costs of Local Government:

There is no cost to Local Government for this proposed regulation.

Costs to the Department of Health:

There will be no additional costs to the Department of Health as a result of this proposed regulation.

Local Government Mandates:

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

Paperwork:

No additional paperwork is required of providers.

Duplication:

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

Alternatives:

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

Federal Standards:

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

Compliance Schedule:

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

Assessment of Public Comment

The agency received no public comment.

EMERGENCY RULE MAKING

COVID-19 Confirmatory Testing

I.D. No. HLT-35-21-00001-E

Filing No. 898

Filing Date: 2021-08-12

Effective Date: 2021-08-12

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

Action taken: Amendment of section 405.11; addition of sections 77.13, 77.14 and 415.33 to Title 10 NYCRR.

Statutory authority: Public Health Law, sections 2800, 2803 and 3401

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

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

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

New York State first identified cases on March 1, 2020 and thereafter became the national epicenter of the outbreak. On March 7, 2020, with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors. Given New York's dramatic progress against COVID-19, with the success in vaccination rates, and declining hospitalization and positivity statewide, the declared state disaster emergency expired on June 24, 2021. Nevertheless, this does not mean that COVID-19 is gone, as the threat of COVID-19 still remains, especially for those who are not vaccinated.

Contact tracing is particularly important for cases of COVID-19 as the State continues its highly effective containment and mitigation strategies to ensure that the spread of COVID-19 remains at a level that the hospital system can accommodate. In order for New York State to more fully assess the number of COVID-19 cases and conduct contact tracing, testing of hospital patients and nursing home residents must be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19. Patients or residents without symptoms, but who have had an exposure to COVID-19 must also be tested for COVID-19, and any other clinically appropriate testing. Further, in the event of an unattended death, in those instances where such testing was not already performed, the coroner, medical examiner, or funeral director must perform the test, depending on who first receives the deceased.

Consistent with CDC guidance and the end of the influenza season, the Department is removing the general requirement that hospitals and nursing homes test patients and residents for influenza, and the general requirement that funeral directors, coroners and medical examiners to test deceased persons for influenza, as influenza is not prevalent in the state and COVID-19 protocols require face coverings in healthcare settings.

Given the foregoing, the Department has determined that these regulations should be issued on an emergency basis.

Subject: COVID-19 Confirmatory Testing.

Purpose: To require confirmatory COVID-19 testing in several settings to improve case statistics and contact tracing.

Text of emergency rule: Section 405.11 of 10 NYCRR is amended by adding a new subdivision (h) to read as follows:

(h) *COVID-19 Confirmatory Testing.*

(1) *Any patient with symptoms of COVID-19 or who has been exposed to COVID-19 shall be tested for the COVID-19 virus, along with any other clinically appropriate testing.*

(2) *Whenever a person expires while in the hospital, or while enroute to the hospital, and in the professional judgment of the attending clinician there is a clinical suspicion that COVID-19 was a cause of death, but no such test was performed in the 14 days before death, the hospital shall administer a COVID-19 test within 48 hours after death, along with any other clinically appropriate testing. Such COVID-19 test shall be performed using rapid testing methodologies to the extent available. The facility shall report the death to the Department immediately after and only upon receipt of such test results through the Health Emergency Response Data System (HERDS). Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the hospital lack the ability to perform such testing expeditiously, the hospital should request assistance from the State Department of Health.*

A new section 415.33 of 10 NYCRR is added to read as follows:

415.33 *COVID-19 Confirmatory Testing.*

(1) *Any resident with symptoms of COVID-19 or who has been exposed to COVID-19 shall be tested for the COVID-19 virus, along with any other clinically appropriate testing.*

(2) *Whenever a person expires while in a nursing home, where in the professional judgment of the nursing home clinician there is a clinical suspicion that COVID-19 was a cause of death, but no such test was performed in the 14 days before death, the nursing home shall administer a COVID-19 test within 48 hours after death, along with any other clinically appropriate testing. Such COVID-19 test shall be performed using rapid testing methodologies to the extent available. The facility shall report the death to the Department immediately after and only upon receipt of such test results through the Health Emergency Response Data System*

(HERDS). Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the nursing home lack the ability to perform such testing expeditiously, the nursing home should request assistance from the State Department of Health.

A new section 77.13 of 10 NYCRR is added to read as follows:

77.13 *COVID-19 Confirmatory Testing – Funeral Directors.*

Whenever the funeral director has been advised by an attending health care practitioner (whether the death was in hospice, an adult care facility, or any another setting where a positive diagnosis was not made) and there is a clinical suspicion that COVID-19 was a cause of death, but no such test was performed within 14 days prior to death in a nursing home or hospital, or by the hospice agency, coroner, or medical examiner, the funeral director shall administer a COVID-19 test within 48 hours after death, whenever the body is received within 48 hours after death. Such test shall be performed using rapid testing methodologies to the extent available. The funeral director shall report the death to the Department immediately after and only upon receipt of such test results, through a means determined by the Department. Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the funeral director lack the ability to perform such testing expeditiously, the funeral director should request assistance from the State Department of Health.

A new section 77.14 of 10 NYCRR is added to read as follows:

77.14 *COVID-19 Confirmatory Testing – Coroners and Medical Examiners.*

Whenever a coroner or medical examiner has a reasonable suspicion that COVID-19 was a cause of death, but no such test was performed within 14 days prior to death in a nursing home or hospital, or by the hospice agency, the coroner or medical examiner shall administer a COVID-19 test within 48 hours after death, whenever the body is received within 48 hours after death. Such test shall be performed using rapid testing methodologies to the extent available. The coroner or medical examiner shall report the death to the Department immediately after and only upon receipt of such test results, through a means determined by the Department. Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the coroner or medical examiner lack the ability to perform such testing expeditiously, the coroner or medical examiner may request assistance from the State Department of Health.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires November 9, 2021.

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

Regulatory Impact Statement

Statutory Authority:

The authority for the promulgation of these regulations with respect to facilities subject to Article 28 of the Public Health Law (PHL) is contained in PHL sections 2800 and 2803(2). PHL Article 28 (Hospitals), section 2800, specifies: "Hospital and related services including health-related service of the highest quality, efficiently provided and properly utilized at a reasonable cost, are of vital concern to the public health. In order to provide for the protection and promotion of the health of the inhabitants of the state, pursuant to section three of article seventeen of the constitution, the department of health shall have the central, comprehensive responsibility for the development and administration of the state's policy with respect to hospital and related services, and all public and private institutions, whether state, county, municipal, incorporated or not incorporated, serving principally as facilities for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition or for the rendering of health-related service shall be subject to the provisions of this article." PHL section 2801 defines the term "hospital" as also including residential health care facilities, which are commonly referred to as nursing homes. PHL section 2803 (2) authorizes PHHPC to adopt and amend rules and regulations, subject to the approval of the Commissioner, to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of such health care facilities. PHL 3401 authorizes the Commissioner to issue regulations pertaining to the business of funeral directing.

Legislative Objectives:

The objectives of PHL Article 28 include protecting the health of New York State residents by ensuring that they have access to safe, high-quality health services in medical facilities, while also protecting the health and safety of healthcare workers. The objective of PHL Section 3401 is to authorize the Commissioner to regulate the business of funeral directing.

Needs and Benefits:

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty

breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

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

New York State first identified cases on March 1, 2020 and thereafter became the national epicenter of the outbreak. On March 7, 2020, with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors. Given New York’s dramatic progress against COVID-19, with the success in vaccination rates, and declining hospitalization and positivity statewide, the declared state disaster emergency expired on June 24, 2021. Nevertheless, this does not mean that COVID-19 is gone, as the threat of COVID-19 still remains, especially for those who are not vaccinated.

Contact tracing is particularly important for cases of COVID-19 as the State continues its highly effective containment and mitigation strategies to ensure that the spread of COVID-19 remains at a level that the hospital system can accommodate. In order for New York State to more fully assess the number of COVID-19 cases and conduct contact tracing, testing of hospital patients and nursing home residents must be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19. Patients or residents without symptoms, but who have had an exposure to COVID-19 must also be tested for COVID-19, and any other clinically appropriate testing. Further, in the event of an unattended death, in those instances where such testing was not already performed, the coroner, medical examiner, or funeral director must perform the test, depending on who first receives the deceased.

Costs:

Costs to Regulated Parties:

The regulation requires regulated entities to perform confirmatory COVID-19 testing on persons suspected but not known to be suffering or to have suffered from COVID-19. The cost for testing for SARS-CoV-2 using a general polymerase chain reaction (PCR) test ranges from \$100-150 per sample. However, where testing is conducted on a deceased person, rapid testing methodology may be used; the Department understands that only some hospitals and nursing homes may have this capability at this time. Newer rapid COVID-19 testing technologies have been advertised at as low as \$5 per test.

Costs to Local Governments:

For those local governments that operate a general hospital or nursing home, the costs will be the same as those described above.

Cost to State Government:

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

Paperwork:

It is not anticipated that the proposed regulatory amendments will impose any significant paperwork requirements. Although this regulation will require hospitals and nursing homes to test persons for COVID-19, the Department does not anticipate that such additional tests will be burdensome given that these facilities are already testing patients and residents for these diseases in many instances.

Local Government Mandates:

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

Duplication:

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

Alternatives:

The alternative would be to not promulgate the regulation, and to allow deaths to be reported as “presumed” deaths of COVID-19. However, this alternative was rejected on two grounds. First, a lack of the regulation would translate to a lack of accuracy in case statistics and delays or inadequate contact tracing, which would allow COVID-19 to spread indefinitely. Second, the regulations would encourage hospitals, nursing homes and hospices to test patients early for COVID-19, which will increase safety of patients and residents.

Federal Standards:

No federal standards apply.

Regulatory Flexibility Analysis

Effect of Rule:

For those local governments or small businesses that operate a general hospital or nursing home, testing of hospital patients and nursing home residents will be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19. Significantly, this includes testing after a resident or patient is deceased, in those instances where such testing was not performed in the 14 days preceding death.

Compliance Requirements:

As discussed above, testing of hospital patients and nursing home residents will be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19. Significantly, this includes testing after a resident or patient is deceased, in those instances where such testing was not performed in the 14 days preceding death.

Professional Services:

It is not expected that any new professional services will be needed to comply with this rule. Where testing must be conducted on a deceased person, rapid testing technology may be used when available.

Compliance Costs:

The regulation requires regulated entities to perform confirmatory COVID-19 testing on persons suspected but not known to be suffering or to have suffered from COVID-19. The cost for testing for SARS-CoV-2 using a general polymerase chain reaction (PCR) test ranges from \$100-150 per sample. However, where testing is conducted on a deceased person, rapid testing methodology may be used; the Department understands that only some hospitals and nursing homes may have this capability at this time. Newer rapid COVID testing technologies have been advertised at as low as \$5 per test.

Economic and Technological Feasibility:

This proposal will not impose any economic or technological compliance burdens, other than the costs described above.

Minimizing Adverse Impact:

Many facilities covered under this regulation, including those owned and operated by a local government or small business, currently test patients or residents for COVID-19. Given that such facilities are actively testing persons within their facility, the Department anticipates that any adverse impacts will be minimal.

Small Business and Local Government Participation:

Due to the emergent nature of COVID-19, small business and local governments were not consulted. However, parties representing local governments and small businesses may submit comments during the notice and commenter period in the event the Department promulgates proposed regulations.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

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

Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

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

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

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

It is not expected that any new professional services will be needed to comply with this rule. Where testing must be conducted on a deceased person, rapid testing technology may be used.

Compliance Costs:

The regulation requires regulated entities to perform confirmatory COVID-19 testing on persons suspected, but not known, to be suffering or to have suffered from COVID-19. The cost for testing for SARS-CoV-2 using a general polymerase chain reaction (PCR) test ranges from \$100-150 per sample. However, where testing is conducted on a deceased person, rapid testing methodology may be used; the Department understands that only some hospitals and nursing homes may have this capability at this time. Newer rapid COVID testing technologies have been advertised at as low as \$5 per test. Lastly, per SAPA § 202-bb(3)(c), it is not anticipated that there will be any significant variation in cost for different types of public and private entities in rural areas.

Economic and Technological Feasibility:

This proposal will not impose any economic or technological compliance burdens, other than the costs described above.

Minimizing Adverse Impact:

Many facilities covered under this regulation, including those owned and operated by a local government or small business, currently test patients or residents for COVID-19. Given that such facilities are actively testing persons within their facility, the Department anticipates that any adverse impacts will be minimal.

Rural Area Participation:

Due to the emergency nature of COVID-19, parties representing rural areas were not

consulted in the initial draft. However, parties representing rural may submit comments during the notice and commenter period in the event the Department promulgates proposed regulations.

Job Impact Statement

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

Substance of final rule: The Commission, on August 12, 2021, adopted an order approving, with modifications and additional requirements, the Brooklyn Union Gas Company d/b/a National Grid’s (KEDNY) proposal establishing a three-year rate plan, contained in P.S.C. No. 12 – Gas. The rates, terms, conditions, and provisions of the Joint Proposal dated May 14, 2021, filed in these proceedings and attached hereto as Attachment 1, with the exceptions of Sections V.1 through V.4, are adopted and incorporated herein to the extent consistent with the discussion herein. Section 5.3 of the Joint Proposal is modified striking the last paragraph of that section and inserting in its place: “After receiving the independent consultant’s report(s), the Companies’ shall file such report(s) with the Secretary for final action by the Commission which is to take place within sixty (60) days of the Companies’ filing(s).” KEDNY is directed to file a cancellation supplement, effective on not less than one day’s notice, on or before August 19, 2021, cancelling the tariff amendments and supplements listed in Attachment 2. KEDNY is authorized to file, on not less than three days’ notice, to take effect on September 1, 2021 on a temporary basis, such tariff changes as are necessary to effectuate the terms of the order for the rates in the rate year beginning April 1, 2021, and to incorporate any tariff amendments that were previously approved by the Commission since the tariff amendments listed on Attachment No. 2 was filed. This filing shall contain an adjustment clause mechanism consistent with the discussion in the order that will facilitate the satisfaction of refunds that may be required by an order in Case 21-M-0351 and any related proceedings. KEDNY shall serve copies of their filings on all active parties to these proceedings. Any party wishing to comment on the tariff amendments may do so by filing an original and five copies of its comments with the Secretary to the Commission and serving its comments upon all active parties within ten days of service of the tariff amendments. The amendments specified in the compliance filings shall not become effective on a permanent basis until approved by the Commission and will be subject to refund if any showing is made that the revisions are not in compliance with the order. KEDNY is directed to file such further tariff changes as are necessary to effectuate the rates for Rate Year 3 beginning April 1, 2022. These filings shall contain an adjustment clause mechanism consistent with the discussion in the order that will facilitate the satisfaction of refunds that may be required by an order in Case 21-M-0351 and any related proceedings. Such changes shall be filed on not less than 30 days’ notice to be effective on a temporary basis. KEDNY is directed to submit Annual Reports in Case 11-M-0034 that provide the additional information related to Site Investigation and Remediation activities and expenditures, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-G-0309SA1)

NOTICE OF ADOPTION

Public Service Commission

NOTICE OF ADOPTION

Proposal for Rate Plan

I.D. No. PSC-31-19-00015-A

Filing Date: 2021-08-12

Effective Date: 2021-08-12

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

Action taken: On 8/12/21, the PSC adopted an order approving, with modifications and additional requirements, the Brooklyn Union Gas Company d/b/a National Grid’s (KEDNY) proposal establishing a three-year rate plan, contained in P.S.C. No. 12—Gas.

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

Subject: Proposal for rate plan.

Purpose: To approve KEDNY’s proposal establishing a three-year rate plan.

Proposal for Rate Plan

I.D. No. PSC-31-19-00016-A

Filing Date: 2021-08-12

Effective Date: 2021-08-12

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

Action taken: On 8/12/21, the PSC adopted an order approving, with modifications additional requirements, KeySpan Gas East Corporation d/b/a National Grid’s (KEDLI) proposal establishing a three-year rate plan, contained in P.S.C. No. 1—Gas.

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

Subject: Proposal for rate plan.

Purpose: To approve KEDLI’s proposal establishing a three-year rate plan.

Substance of final rule: The Commission, on August 12, 2021, adopted an order approving, with modifications and additional requirements, KeySpan Gas East Corp. d/b/a National Grid’s (KEDLI) proposal establishing a three-year rate plan, contained in P.S.C. No. 1 – Gas. The rates, terms, conditions, and provisions of the Joint Proposal dated May

14, 2021, filed in these proceedings and attached hereto as Attachment 1, with the exceptions of Sections V.1 through V.4, are adopted and incorporated herein to the extent consistent with the discussion herein. Section 5.3 of the Joint Proposal is modified striking the last paragraph of that section and inserting in its place: "After receiving the independent consultant's report(s), the Companies' shall file such report(s) with the Secretary for final action by the Commission which is to take place within sixty (60) days of the Companies' filing(s)." KEDLI is directed to file a cancellation supplement, effective on not less than one day's notice, on or before August 19, 2021, cancelling the tariff amendments and supplements listed in Attachment 3. KEDLI is authorized to file, on not less than three days' notice, to take effect on September 1, 2021 on a temporary basis, such tariff changes as are necessary to effectuate the terms of the order for the rates in the rate year beginning April 1, 2021, and to incorporate any tariff amendments that were previously approved by the Commission since the tariff amendments listed on Attachment No. 3 was filed. This filing shall contain an adjustment clause mechanism consistent with the discussion in the order that will facilitate the satisfaction of refunds that may be required by an order in Case 21-M-0351 and any related proceedings. KEDLI shall serve copies of their filings on all active parties to these proceedings. Any party wishing to comment on the tariff amendments may do so by filing an original and five copies of its comments with the Secretary to the Commission and serving its comments upon all active parties within ten days of service of the tariff amendments. The amendments specified in the compliance filings shall not become effective on a permanent basis until approved by the Commission and will be subject to refund if any showing is made that the revisions are not in compliance with the order. KEDLI is directed to file such further tariff changes as are necessary to effectuate the rates for Rate Year 3 beginning April 1, 2022. These filings shall contain an adjustment clause mechanism consistent with the discussion in the order that will facilitate the satisfaction of refunds that may be required by an order in Case 21-M-0351 and any related proceedings. Such changes shall be filed on not less than 30 days' notice to be effective on a temporary basis. KEDLI is directed to submit Annual Reports in Case 11-M-0034 that provide the additional information related to Site Investigation and Remediation activities and expenditures, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-G-0310SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-44-19-00008-A

Filing Date: 2021-08-16

Effective Date: 2021-08-16

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

Action taken: On 8/12/21, the PSC adopted an order approving 85 Jay Street (Brooklyn), LLC's (85 Jay Street) notice of intent to submeter electricity at 160 and 180 Front Street and 115 and 135 York Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 85 Jay Street's notice of intent to submeter electricity.

Text or summary was published in the October 30, 2019 issue of the Register, I.D. No. PSC-44-19-00008-P.

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

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

Assessment of Public Comment

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

(19-E-0600SA1)

NOTICE OF ADOPTION

UER Status Report

I.D. No. PSC-03-20-00009-A

Filing Date: 2021-08-12

Effective Date: 2021-08-12

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

Action taken: On 8/12/21, the PSC adopted an order approving, with modifications, the recommendations of the December 30, 2019 Utility Energy Registry (UER) Status Report filed by the New York State Energy Research and Development Authority (NYSERDA).

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (2), (3), 66(1), (2), (3), (4) and (5)

Subject: UER Status Report.

Purpose: To approve, with modifications, the recommendations of the UER Status Report filed by NYSERDA.

Text or summary was published in the January 22, 2020 issue of the Register, I.D. No. PSC-03-20-00009-P.

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

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

Assessment of Public Comment

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

(17-M-0315SA2)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-34-20-00004-A

Filing Date: 2021-08-16

Effective Date: 2021-08-16

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

Action taken: On 8/12/21, the PSC adopted an order approving DD West 29th LLC's (DD West 29th) notice of intent to submeter electricity at 311 11th Avenue, New York, New York and waiver request of the energy audit and efficiency requirements in 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve DD West 29th's notice of intent to submeter electricity and waiver request.

Text or summary was published in the August 26, 2020 issue of the Register, I.D. No. PSC-34-20-00004-P.

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

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

Assessment of Public Comment

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

(20-E-0128SA1)

NOTICE OF ADOPTION

Tax Refund

I.D. No. PSC-41-20-00010-A
Filing Date: 2021-08-12
Effective Date: 2021-08-12

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

Action taken: On 8/12/21, the PSC adopted an order approving the terms of the Joint Proposal including a provision allowing KeySpan Gas East Corporation d/b/a National Grid (KEDLI) for a disposition of a tax refund.

Statutory authority: Public Service Law, sections 89.3 and 113(2)

Subject: Tax refund.

Purpose: To approve the terms of the Joint Proposal to allow KEDLI for a disposition of a tax refund.

Substance of final rule: The Commission, on August 12, 2021, adopted an order approving the terms of the Joint Proposal that includes a provision for the disposition of the proceeds from a tax refund received by KeySpan Gas East Corporation d/b/a National Grid covering the tax years 1996 through 2012. The Joint Proposal allows for an allocation of the net amount of tax refund proceeds, after the payment of attorney's fees and costs, that provides 85% of the net amount to the utility's customers, with the remaining 15% to be retained by the utility, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(18-M-0270SA1)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-51-20-00010-A
Filing Date: 2021-08-16
Effective Date: 2021-08-16

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

Action taken: On 8/12/21, the PSC adopted an order approving LIC Owner LLC's (LIC Owner) notice of intent to submeter electricity at 29-17 40th Avenue, Long Island City, New York and waiver request of the energy audit and efficiency requirements in 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve LIC Owner's notice of intent to submeter electricity and waiver request.

Substance of final rule: The Commission, on August 12, 2021, adopted an order approving LIC Owner LLC's notice of intent to submeter electricity at 29-17 40th Avenue, Long Island City, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and waiver request of the energy audit and energy efficiency plan requirements in 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(20-E-0557SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-01-21-00007-A
Filing No. null
Filing Date: 2021-08-16
Effective Date: 2021-08-16

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

Action taken: On 8/12/21, the PSC adopted an order approving LOBLO Apartments LLC's (LOBLO Apartments) notice of intent to submeter electricity at 983 Michigan Avenue, Buffalo, New York.

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

Subject: Submetering of electricity.

Purpose: To approve LOBLO Apartments' notice of intent to submeter electricity.

Text or summary was published in the January 6, 2021 issue of the Register, I.D. No. PSC-01-21-00007-P.

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

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

Assessment of Public Comment

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

(20-E-0660SA1)

NOTICE OF ADOPTION

Implementation Plan

I.D. No. PSC-04-21-00020-A
Filing Date: 2021-08-13
Effective Date: 2021-08-13

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

Action taken: On 8/12/21, the PSC adopted an order approving National Fuel Gas Distribution Corporation's (NFG) Implementation Plan and directs NFG to execute the Implementation Plan.

Statutory authority: Public Service Law, section 66(19)

Subject: Implementation Plan.

Purpose: To approve NFG's Implementation Plan and direct NFG to execute the plan.

Text or summary was published in the January 27, 2021 issue of the Register, I.D. No. PSC-04-21-00020-P.

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

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

Assessment of Public Comment

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

(18-G-0394SA1)

NOTICE OF ADOPTION

Revisions to Bill Estimation Methods

I.D. No. PSC-05-21-00007-A
Filing Date: 2021-08-16
Effective Date: 2021-08-16

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

Action taken: On 8/12/21, the PSC adopted an order approving Central Hudson Gas & Electric Corporation's (Central Hudson) petition to revise its heating/non-heating bill estimation procedures for electric and gas residential and small commercial/non-demand customers.

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

Subject: Revisions to bill estimation methods.

Purpose: To approve Central Hudson's revised bill estimation methods.

Substance of final rule: The Commission, on August 12, 2021, adopted an order approving Central Hudson Gas & Electric Corporation's (Central Hudson) bill estimation procedures, contained in Appendix B of the July 8, 2021 supplement to the petition, to calculate bill estimates for both gas and electric residential and small commercial/non-demand customers. Central Hudson is directed to file with the Secretary to the Commission a quarterly report detailing which scheduled meter reads were not performed each month, with an explanation as to why it was outside of Central Hudson's control to perform the meter read, no later than the 15th day of the month following the conclusion of the calendar quarter through the end of the fourth quarter of calendar year 2023. Central Hudson is directed to file a notice, with the Secretary to the Commission, seven days before the new Customer Information System go-live date detailing the timeline of when the new bill estimation procedures will be implemented. Central Hudson is directed to file with the Secretary to the Commission, no later than 30 days after the issuance of the order, a report to include, at a minimum, complaints it received associated with adjusted bills, estimated bills, high bills, inaccurate bills, and any complaints related to actual meter readings or bill estimates for 2017, 2018, 2019, and 2020. Central Hudson is also directed to file with the Secretary to the Commission, on a quarterly basis, updates to the report in Ordering Clause 3, filed no later than the 15th day of the month following the conclusion of the calendar quarter through the end of the fourth quarter of calendar year 2023, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(21-M-0045SA1)

NOTICE OF ADOPTION

EAP Modifications

I.D. No. PSC-07-21-00005-A

Filing Date: 2021-08-12

Effective Date: 2021-08-12

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

Action taken: On 8/12/21, the PSC adopted an order adopting Energy Affordability Policy (EAP) modifications and directing the Joint Utilities to file their respective EAP modifications, to become effective on a temporary basis on September 1, 2021.

Statutory authority: Public Service Law, sections 4(1) and 66(1)

Subject: EAP modifications.

Purpose: To adopt EAP modifications and direct the Joint Utilities to file their respective EAP modifications.

Text or summary was published in the February 17, 2021 issue of the Register, I.D. No. PSC-07-21-00005-P.

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

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

Assessment of Public Comment

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

(14-M-0565SA15)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-09-21-00003-A

Filing Date: 2021-08-13

Effective Date: 2021-08-13

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

Action taken: On 8/12/21, the PSC adopted an order approving, with modifications, Central Hudson Gas & Electric Corporation's (Central Hudson) tariff amendments to P.S.C. No. 12—Gas, to update its Legacy Customer Information System.

Statutory authority: Public Service Law, section 66(12)

Subject: Tariff amendments.

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

Text or summary was published in the March 3, 2021 issue of the Register, I.D. No. PSC-09-21-00003-P.

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

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

Assessment of Public Comment

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

(21-G-0079SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-09-21-00007-A

Filing Date: 2021-08-13

Effective Date: 2021-08-13

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

Action taken: On 8/12/21, the PSC adopted an order approving, with modifications, Central Hudson Gas & Electric Corporation's (Central Hudson) tariff amendments to P.S.C. No. 15—Electricity, to update its Legacy Customer Information System.

Statutory authority: Public Service Law, section 66(12)

Subject: Tariff amendments.

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

Text or summary was published in the March 3, 2021 issue of the Register, I.D. No. PSC-09-21-00007-P.

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

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

Assessment of Public Comment

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

(21-E-0078SA1)

NOTICE OF ADOPTION

Tariff Amendments on Net Energy Metering (NEM)

I.D. No. PSC-15-21-00011-A

Filing Date: 2021-08-13

Effective Date: 2021-08-13

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

Action taken: On 8/12/21, the PSC adopted an order approving, with modification, the Joint Utilities tariff filings regarding Net Energy Metering and directed the Joint Utilities to file tariff amendments, to become effective on September 1, 2021.

Statutory authority: Public Service Law, sections 5(1)(b), (2), 65(1), (2), (3), 66(2), (5) and 66-p

Subject: Tariff amendments on Net Energy Metering (NEM).

Purpose: To approve, with modification, the Joint Utilities NEM tariffs and directed the Joint Utilities to file the amendments.

Text or summary was published in the April 14, 2021 issue of the Register, I.D. No. PSC-15-21-00011-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (15-E-0751SA37)

NOTICE OF ADOPTION

SMT Extension Amendment

I.D. No. PSC-18-21-00007-A

Filing Date: 2021-08-13

Effective Date: 2021-08-13

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

Action taken: On 8/12/21, the PSC adopted an order approving National Fuel Gas Distribution Corporation's (NFG) petition for amendments to its System Modernization Tracker (SMT) extending the sunset provision.

Statutory authority: Public Service Law, sections 4 and 66

Subject: SMT extension amendment.

Purpose: To approve NFG's amendments to its SMT extending the sunset provision.

Text or summary was published in the May 5, 2021 issue of the Register, I.D. No. PSC-18-21-00007-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (21-G-0237SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-19-21-00007-A

Filing Date: 2021-08-16

Effective Date: 2021-08-16

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

Action taken: On 8/12/21, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the City of Little Falls (Little Falls) to Little Falls.

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

Subject: Transfer of street lighting facilities.

Purpose: To approve National Grid's petition to transfer street lighting facilities to Little Falls.

Text or summary was published in the May 12, 2021 issue of the Register, I.D. No. PSC-19-21-00007-P.

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

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

Assessment of Public Comment

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

(21-E-0240SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-19-21-00010-A

Filing Date: 2021-08-16

Effective Date: 2021-08-16

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

Action taken: On 8/12/21, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the Town of Lysander (Lysander) to Lysander.

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

Subject: Transfer of street lighting facilities.

Purpose: To approve National Grid's petition to transfer street lighting facilities to Lysander.

Text or summary was published in the May 12, 2021 issue of the Register, I.D. No. PSC-19-21-00010-P.

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

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

Assessment of Public Comment

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

(21-E-0239SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-21-21-00018-A

Filing Date: 2021-08-16

Effective Date: 2021-08-16

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

Action taken: On 8/12/21, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the Village of Canajoharie (Canajoharie) to Canajoharie.

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

Subject: Transfer of street lighting facilities.

Purpose: To approve National Grid's petition to transfer street lighting facilities to Canajoharie.

Text or summary was published in the May 26, 2021 issue of the Register, I.D. No. PSC-21-21-00018-P.

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

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

Assessment of Public Comment

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

(21-E-0258SA1)

NOTICE OF ADOPTION**Submetering of Electricity****I.D. No.** PSC-21-21-00020-A**Filing Date:** 2021-08-16**Effective Date:** 2021-08-16

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

Action taken: On 8/12/21, the PSC adopted an order approving EO 84 William II LLC's (EO 84 William II) notice of intent to submeter electricity at 84 William Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve EO 84 William II's notice of intent to submeter electricity.

Text or summary was published in the May 26, 2021 issue of the Register, I.D. No. PSC-21-21-00020-P.

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

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

Assessment of Public Comment

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

(21-E-0245SA1)

**PROPOSED RULE MAKING
HEARING(S) SCHEDULED****Major Gas Rate Filing****I.D. No.** PSC-35-21-00004-P

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

Proposed Action: The Commission is considering a proposal filed by Corning Natural Gas Corporation (Corning) to make various changes in the rates, charges, rules and regulations as contained in its gas tariff schedule, P.S.C. No. 7—Gas.

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

Subject: Major gas rate filing.

Purpose: To consider a proposed increase in Corning's gas delivery revenues of approximately \$5.8 million (20.4% in total revenues).

Public hearing(s) will be held at: 1:00 p.m. and 6:00 p.m., Oct. 27, 2021 at teleconference. (Public Statement Hearing)*

*On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 21-G-0394.

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

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

Substance of proposed rule: The Commission is considering a proposal, filed on July 16, 2021, by Corning Natural Gas Corporation (Corning or the Company) to increase its gas delivery revenues for the rate year ending June 30, 2023, as contained in P.S.C. No. 7—Gas.

Corning states that the Company is requesting an increase in annual gas delivery revenues of approximately \$5.8 million (or 20.43 percent on an overall bill basis) in the 12 months ending June 30, 2023, by \$1,643,355 (or 4.85 percent) in the 12 months ending June 30, 2024, and by \$989,061 (or 2.78 percent) in the 12 months ending June 30, 2025 or, alternatively, to increase rates in all three years by a levelized amount of \$3,591,855 (or

11.14 percent) in each year, and to consider increases for certain limited expenditures for the 12-month periods ending June 30, 2026 and June 30, 2027. The requested increase in gas delivery revenues for the 12 months ending June 30, 2023 will result in a total monthly bill increase of about \$36.72 (41.0 percent on a total bill) for a typical residential heating customer using 77 therms per month. The initial suspension period for the proposed filing runs through December 12, 2021.

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

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

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

Public comment will be received until: Five days after the last scheduled public hearing.

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-0394SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED****Notice of Intent to Submeter Electricity****I.D. No.** PSC-35-21-00002-P

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

Proposed Action: The Commission is considering the notice of intent of COA 200 East 34th LLC to submeter electricity at 200 East 34th Street, New York, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by COA 200 East 34th LLC on July 14, 2021, seeking authority to submeter electricity at a new market rate condominium building located at 200 East 34th Street, New York, New York 10016, located in the service territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the notice of intent, COA 200 East 34th LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(21-E-0404SP1)

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

PSC Regulations 16 NYCRR 86.3(a)(2); 86.3(b)(2)

I.D. No. PSC-35-21-00003-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 motion filed by Empire Offshore Wind LLC for waiver of certain provisions of 16 NYCRR regarding requirements for applications under PSL Article VII for Certificates of Environmental Compatibility and Public Need.

Statutory authority: Public Service Law, sections 4 and 122

Subject: PSC Regulations 16 NYCRR 86.3(a)(2); 86.3(b)(2).

Purpose: To consider a waiver of certain regulations relating to the content of an application for transmission line siting.

Substance of proposed rule: The Public Service Commission is considering a motion filed by Empire Offshore Wind LLC (Applicant) on June 30, 2021, for a waiver of certain requirements for the content of an application for authority to construct and operate electric transmissions lines and an onshore substation (the Project) pursuant to the provisions of Public Service Law Article VII for Certificates of Environmental Compatibility and Public Need.

The Project includes construction of approximately 17.5 miles of transmission lines from the boundary of New York State waters to a point of interconnection (POI) in Brooklyn, Kings County, New York. Specifically, the Project includes: (i) two 230-kilovolt high-voltage alternating current (HVAC) submarine export cables within an approximately 15.1 nautical mile-long submarine export cable corridor, extending from the boundary of New York State waters (3 nautical miles from shore) to the cable landfall in Brooklyn; and (ii) a 0.2 mile-long onshore cable route and substation including (a) two three-core 230-kV HVAC onshore export cables buried underground from the cable landfall either directly to the cable terminations or to transition vaults within the proposed onshore substation, (b) an onshore substation located at the South Brooklyn Marine Terminal that will increase the voltage to 345 kV for the onshore interconnection cables, and (c) two 345-kV cable circuits, each with three single-core HVAC onshore interconnection cables, that will be buried underground from the onshore substation to the POI at the Gowanus 345-kV Substation owned by the Consolidated Edison Company of New York, Inc.

As part of the application process, Applicant has moved for a waiver of Commission regulation 16 NYCRR § 86.3(a)(2), which requires that the information, such as showing the relationship of the proposed facility of Applicant's overall system, be shown on New York State Department of Transportation (NYSDOT) maps at a scale of 1:250,000. Applicant asserts that such maps of the Project, however, do not show the required information at an appropriate resolution. Figures 2.3-1 and 2.3-2 of the Application, which are respectively based on 1:100,000 and 1:24,000 scale National Oceanographic and Atmospheric Administration (NOAA) charts, show the right-of-way of the proposed facility in conjunction with other components of Applicant's system, and provide the information required under 16 NYCRR § 86.3(a)(2)(i)-(iv) with greater clarity than NYSDOT maps. Because Applicant is providing the requested information at a finer resolution (at 1:100,000 scale (NOAA), 1:24,000 scale (NOAA), and 1:100,000 scale (USGS), versus 1:250,000 scale (NYSDOT)), Applicant requests that for this Application, the Commission waive the requirement for NYSDOT maps at 1:250,000 scale.

In addition, Applicant seeks a waiver of 16 NYCRR § 86.3(b)(2) of the regulations, which requires that aerial photographs of the "urban areas and urbanizing fringe areas" be taken within six months of the date of filing. Applicant states that the most recent aerial photographs of the proposed Project route are from Nearmap (2018, 2020, 2021). The offshore map tiles were collected in March 2021, within six months from the date of filing. However, certain offshore maps tiles were taken in March and April 2020 and October 2018. These aerial photographs, which show at least 1,200 feet (366 m) on either side of the submarine and onshore cable routes with overlays of Project facilities, are provided in Figure 2.3-3 of the Application. Applicant requests a waiver allowing the use of aerial photographs dated more than six months from the date of filing because Applicant has confirmed that the photographs reflect current conditions along the proposed Project route and has provided the source of the aerial photographs.

The full text of the motion, the Certificate application, and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or

modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(21-T-0366SP1)

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

Transfer of Street Lighting Facilities

I.D. No. PSC-35-21-00005-P

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

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

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

Subject: Transfer of street lighting facilities.

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

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on July 30, 2021 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), requesting authorization to transfer certain street lighting facilities located in the Town of Geddes (Town) to the Town.

The original cost of the facilities was approximately \$435,430 and the net book value of the assets is \$254,869 as of May 31, 2021. National Grid proposes to transfer the street lighting facilities to the Town for approximately \$221,539, which includes the net book value of the assets as well as transition and transaction costs and a one-time price reduction of \$51,293 that will be fully absorbed by shareholders. National Grid explains that the agreement between it and the Town provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of the closing.

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

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

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

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

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

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

(21-E-0416SP1)

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

Proposed Rate Increase

I.D. No. PSC-35-21-00006-P

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

Proposed Action: The Commission is considering a proposal filed by the Village of Angelica to P.S.C. No. 1—Electricity, to increase its annual revenues by \$200,227 or 38.30%.

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

Subject: Proposed rate increase.

Purpose: To ensure safe and adequate service at just and reasonable rates.

Substance of proposed rule: The Commission is considering a proposal filed by the Village of Angelica (Village) on July 27, 2021, to amend its tariff schedule, P.S.C. No. 1—Electricity, to increase the Village's annual revenues by approximately \$200,227 or 38.30%. The proposed filing has an effective date of December 1, 2021.

The Village provides electric service to approximately 720 customers in the Village of Angelica, Allegany County. The Village states that the rate increase is necessary because the existing customer base rates can no longer sustain the Village's day-to-day operations, competitive labor costs, or a substantial upgrade. The Village also notes that it has been over twenty years since rates have been increased. The Village requests a waiver of newspaper publication requirements on the grounds that it will notify customers via billing inserts.

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

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

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

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

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

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

(21-E-0429SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-35-21-00007-P

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

Proposed Action: The Commission is considering the notice of intent of 1461-1469 Third Ave Owner LLC to submeter electricity at 200 East 83rd Street, New York, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by 1461-1469 Third Ave Owner LLC on July 27, 2021, seeking authority to submeter electricity at a new market rate condominium building located at 200 East 83rd Street, New York, New York, located in the service territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the notice of intent, 1461-1469 Third Ave Owner LLC requests authorization to take electric service from Con Edison and then distribute

and meter that electricity to its residents. Submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(21-E-0406SP1)

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

Tariff Filing to Allow Eligible CHP Customers to Provide Export Support to Their Other Service Connections

I.D. No. PSC-35-21-00008-P

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

Proposed Action: The Commission is considering a proposal filed by Consolidated Edison Company of New York, Inc. to modify P.S.C. No. 10 and 12—Electricity, regarding service to Combined Heat and Power Generation (CHP) Customers.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff filing to allow eligible CHP Customers to provide export support to their other service connections.

Purpose: To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Substance of proposed rule: The Commission is considering a proposal filed by Consolidated Edison Company of New York, Inc. (Con Edison or the Company) on July 27, 2021, to amend its electric tariff schedules, P.S.C. Nos. 10 and 12.

The proposed amendments would allow Combined Heat and Power Generation (CHP) customers who have a single account and multiple metered connections through a common Company, low-tension bus to provide export support to their other service connections. This change would allow potential CHP customers more design options and provide additional opportunities to install CHP units. These customers would take Standby Service and be subject to the Company's safety and reliability considerations. Under the proposal, if the customer's total exported kilowatt hours (kWh) exceeds the total usage registered on all of its meters, the customer would have an option to take Buy-back Service. Con Edison asserts that the proposed change would maximize the benefits and efficiency of CHP units on the Company's system that are in the configuration specified above. The proposed amendments have an effective date of December 1, 2021.

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

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

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

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

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

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

(21-E-0414SP1)

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

Modify the Terms and Conditions Under Which Gas Utilities Provide Service to Electric Generators

I.D. No. PSC-35-21-00009-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 an Initial Department of Public Service Staff Proposal and Supplemental Proposal regarding the modification of the terms and conditions of gas service to electric generators.

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

Subject: Modify the terms and conditions under which gas utilities provide service to electric generators.

Purpose: To provide clarity and uniformity to the provision of gas service to electric generators in New York State.

Substance of proposed rule: The Department of Public Service Staff (Staff) issued an Initial Staff Proposal on Electric Generator Rate Design (Initial Proposal) on March 30, 2020. Staff subsequently updated and corrected discrete portions of the Initial Proposal and issued a Staff Supplemental Proposal on Electric Generator Rate Design (Supplemental Proposal) on August 17, 2021. The Commission is considering the Initial Proposal, as updated by the Supplemental Proposal (together Proposals), to modify the terms and conditions applicable to gas utility service to electric generators that use gas as a fuel.

The Proposals intend to ensure that gas rates charged to electric generators are cost based, do not distort electric prices, and that the rates charged, as well as the other terms and conditions applicable to this gas service, protect the reliability of the gas utilities' systems. Specifically, Staff proposes to eliminate the fixed contribution to system cost, marginal system cost, value added charge, minimum bill obligation, and the existing requirement that gas used by a generator for purposes other than electric generation be priced separately. In their place, Staff proposes to create a demand charge, a fixed minimum access charge, and a volumetric delivery charge. Further, Staff proposes to retain the existing volumetric balancing charge structure; the lost and unaccounted for gas charge. The Proposals seek comments regarding: the minimum amount of gas that should be included in the minimum access charge; when and how to implement the changes the Commission ultimately adopts; and the size of electric generators to which the proposal should apply. Analogous provisions currently apply to generators with a capacity of at least 50 Megawatts.

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

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

Data, views or arguments may be submitted to: Michelle 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.

(17-G-0011SP2)

Department of State

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

Requirements and Procedures Related to Filing, Review and Publication of Financial Reports Filed with the Department of State

I.D. No. DOS-05-21-00013-RP

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

Proposed Action: Addition of Part 146 to Title 19 NYCRR.

Statutory authority: Executive Law, sections 91, 172-e and 172-f

Subject: Requirements and procedures related to filing, review and publication of financial reports filed with the Department of State.

Purpose: To provide procedures related to the filing, review and publication of financial reports filed with the Department of State.

Substance of revised rule (Full text is posted at the following State website: <https://dos.ny.gov/financial-reports-be-filed-certain-charitable-organizations>): Section 146.1 Definitions

- (a) "Charitable"
- (b) "Charitable organization"
- (c) "Charitable purpose"
- (d) "Filing entity"
- (e) "Qualifying 501(c)(3) entity"
- (f) "Qualifying 501(c)(4) entity"
- (g) "Disclosure-related harm"
- (h) "Notice of Intent to Publish"

Section 146.2 Applicability; filing of reports

(a) Part 146 applies to filing entities as defined in section 146.1 and contains requirements regarding their duty to file reports with the Department.

(b) Filing entities must submit their financial report to the NYS Department of State, Division of Corporations, State Records and Uniform Commercial Code. Filing entities required to file an Annual Financial Report with the Department of State pursuant to section 172-b of the Executive Law shall file such report no later than the date such report is required to be filed with the New York State Attorney General's Charities Bureau.

Section 146.3 Annual Financial Report.

An Annual Financial Report may be filed if it complies as to form with the requirements of law and the filing fee required by law has been paid.

146.4 Funding Disclosure Report

(a) A qualifying 501(c)(3) entity shall file, along with the entity's Funding Disclosure Report, a statement of the qualifying 501(c)(3) entity's mission that is consistent with what was or would be provided to the Internal Revenue Service of the United States Department of the Treasury with a qualifying 501(c)(3) entity's application for recognition of exemption as a 501(c)(3), all charitable categories identified in such application, any narrative description of the qualifying 501(c)(3) entity's activities provided with such application, any supporting details to the narrative description provided with such application, and any specific activities identified in such application.

(b) If the qualifying 501(c)(3) entity filing a funding disclosure report has reason to believe that public disclosure will cause disclosure-related harm, the qualifying 501(c)(3) entity may submit to the Department of State a statement of relevant facts supporting such assertion. Such statement of relevant facts shall indicate whether disclosure-related harm would stem from public disclosure of all of the in-kind donations to the qualifying 501(c)(3) entity and financial assistance provided by any the qualifying 501(c)(3) entity to one or more the qualifying 501(c)(4) entities, or only to a portion thereof. A statement of relevant facts shall not be subject to publication or public disclosure.

(c) Each funding disclosure report shall be signed by an officer, director or authorized person.

(d) If a Funding Disclosure Report delivered to the Department of State for filing complies as to form with the requirements of law and the filing fee required by law for such report has been paid, the report shall be filed.

146.5 Financial Disclosure Report

(a) A qualifying 501(c)(4) entity shall file, along with the entity's Financial Disclosure Report, any applicable statement of the qualifying 501(c)(4) entity's mission, a narrative description of the qualifying 501(c)(4) entity's activities that is consistent with what was or would be

provided to the Internal Revenue Service with a qualifying 501(c)(4) entity's application for recognition of exemption as a 501(c)(4), and all specific activities that were or would be provided with such application.

(b) If the qualifying 501(c)(4) entity filing a Financial Disclosure Report has reason to believe that public disclosure will cause disclosure-related harm, the qualifying 501(c)(4) entity may submit to the Department of State with the qualifying 501(c)(4)'s report a statement of relevant facts supporting such assertion. Such statement of relevant facts shall indicate whether disclosure-related harm would stem from public disclosure of all of the in-kind donations to the qualifying 501(c)(3) entity and financial assistance provided by any the qualifying 501(c)(3) entity to one or more the qualifying 501(c)(4) entities, or only to a portion thereof. A statement of relevant facts shall not be subject to publication or public disclosure.

(c) Certification. Each Financial Disclosure Report shall be signed by an officer, director or authorized person.

(d) If a Funding Disclosure Report delivered to the Department of State for filing complies as to form with the requirements of law and the filing fee required by law has been paid, the report shall be filed.

146.6 Manner of filing; fees

(a) All submissions may be filed electronically.

(b) Identifying information must be placed on all documents.

(c) Filing entities are required to pay the filing fee required by law for each report or document delivered to the Department for filing under Executive Law Article 7-A.

146.7 Additional Information or Documentation

In addition to any documents a qualifying 501(c)(3) entity or qualifying 501(c)(4) entity must file with the Department as part of or with any report required by Article 7-A of the Executive Law, the Department may require a filing entity to submit any information or documentation relevant to the Secretary of State's review of such reports as required by section 93-a of the Executive Law.

146.8 Examination of Reports

(a) Should Notice of the Secretary of State determine that public disclosure of all or any part of a report required to be filed with the Department pursuant to Article 7-A of the Executive Law will not cause disclosure-related harm, and where the filing entity filed a statement of relevant facts asserting that public disclosure of all or part of the subject report may cause disclosure-related harm, the Secretary shall notify the filing entity of the intent to publicly disclose all or part of the report.

(b) If the filing entity wishes to administratively appeal the Secretary's determination, the filing entity shall notify the Secretary within 30 days of transmission of Notice of Intent to Publish.

146.9 Administrative Hearings

(a) Scope of this section.

(b) Applicability.

(c) Parties and appearances.

(d) Institution of appeal.

(e) Response and record.

(f) Additional submissions to the record.

(g) Determination of administrative appeal.

146.10 Publication of Reports

(a) Whenever a filing entity fails to provide the Department of State with a statement of relevant facts pursuant to paragraph (b) of section 146.4 or 146.5 of this Part, upon expiration of the time for a filing entity to provide the Secretary with notice of intent to appeal a Notice of Intent to Publish any report filed with the Department of State, or whenever the Secretary makes a determination under section 93-a of the Executive Law, the Secretary may publish any report filed with the Department pursuant to Article 7-A of the Executive Law, and the mission statement provided by the filing entity, on its website. Such publishing shall not include the names and addresses of individual donors to filing entities nor shall such publishing include a filing entity's Internal Revenue Service Form 990 Schedule B.

(b) Pursuant to section 93-a of the Executive Law, only a report or part of any report filed with the Department of State that was published pursuant to paragraph (a) of this section shall be made publicly available or disclosed when requested under Article 6 of the Public Officers Law. No information provided in a statement of relevant facts pursuant to paragraph (b) of section 146.4 or 146.5 of this Part shall be subject to public disclosure when requested under Article 6 of the Public Officers Law.

146.11 Severability

If any provision of this Part, or any application thereof to any entity or circumstance, is found to be invalid, such invalidity shall not affect any other provisions or applications of this Part that may be given effect without the invalid provisions or applications.

Revised rule compared with proposed rule: Substantial revisions were made in sections 146.2(b), 146.3, 146.4(a), 146.5(a), 146.9 and 146.11.

Text of revised proposed rule and any required statements and analyses may be obtained from Krystal Cropsey, Department of State, Division of Corporations, One Commerce Plaza, 99 Washington Ave., Albany NY 12231-0001, (518) 473-7172, email: Krystal.Cropsey@dos.ny.gov

Data, views or arguments may be submitted to: Gary Trechel, Department of State, One Commerce Plaza, 99 Washington Ave., Albany NY 12231-0001, (518) 473-2278, email: Gary.Trechel@dos.ny.gov

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

Revised Regulatory Impact Statement

1. Statutory authority:

Executive Law section 91 authorizes the Secretary of State to adopt and promulgate rules which regulate and control the exercise of the powers of the Department of State and the performance of the duties of officers and employees of the Department. Executive Law sections 172-e and 172-f authorize the Secretary of State to adopt and promulgate rules related to the public disclosure of Funding Disclosure Reports and Financial Disclosure Reports, respectively.

2. Legislative objectives:

Article 7-A of the Executive Law requires certain financial reports to be filed with the Department of State by charitable organizations. Executive Law Sections 172-b, 172-e and 172-f require Annual Financial Reports, Funding Disclosure Reports and Financial Disclosure Reports, respectively, to be filed with the Department of State. Executive Law section 93-a requires the Secretary of State to examine all such reports to determine the nature and extent of the in-kind support provided by any charitable organization to one or more recipient entities and the nature and extent of covered communications by any charitable organization. Whenever the Secretary of State, in consultation with the Department of Taxation and Finance or the Department of Law, determines that the nature and extent of a charitable organization's in-kind support to other entities or the nature and extent of a charitable organization's spending on covered communications is inconsistent with the charitable purposes of such charitable organization, the Secretary of State shall publish the reports, filed by such charitable organization, on the Department of State's website. The 2020 law that required such reports to be filed with the Department of State was an amendment to a law proposed by a Governor's Program bill, enacted in 2016, that created an ethics reform law designed and intended to "implement various measures to shed light on the dark money that runs rampant through our political process." The various measures referred to appears to be the then new requirement that designated charities file funding and financial disclosure reports with the State. Such reports were not filed after passage of the 2016 law due to an ultimately successful legal challenge filed against portions of the 2016 law, which then resulted in passage of the 2020 law that amended the form and content associated with the funding and financial disclosure reports, brought the Department of State into the fold, and enacted section 93-a of the Executive Law, which provides the framework for the Department of State's role. Section 93-a is an outgrowth of the design and intent of the 2016 law, and the ability of the Department of State to accurately identify the charitable purpose of a filing entity is a critical component of the legislative objective of the statutory authority for the rule.

It is also noted that the proposed rule has been revised, including at section 146.9 to simplify the administrative hearing process and more closely align the rule with legislative objectives, and by adding a severability provision at section 146.11 to maintain the Department of State's ability to fulfill legislative objectives in the event that any portion of the rule or application of the rule is found to be invalid.

3. Needs and benefits:

The proposed rulemaking sets forth the procedures which would be used by the Department of State when viewing financial reports submitted by charitable organizations under Article 7-A of the Executive Law. Executive Law sections 93-a, 172-e and 172-f require conduct of specified activities, such as affording a filing entity an administrative hearing to challenge a publication decision under certain circumstances, and analyzing a funding or financial disclosure report against a filer's charitable purpose, but the statutes do not provide a process by which such activities can be done. The purpose of, and necessity for the regulations is to provide the process by which the objectives of the enabling statutes can be carried out. The proposed regulations will: clarify procedures and requirements for financial reports required to be filed with the Department of State by charitable organizations; provide definitions for terms to clarify filing requirements and procedures related to the Department's review of financial reports; and provide procedures for charitable organizations to appeal a determination of the Department of State to publicly disclose all or any part of a financial report. No scientific or statistical study, report or analysis was applicable to or served as a basis for the rule.

4. Costs:

A. The proposed regulations do not impose any costs on the regulated entities, which are charitable organizations that exceed earning and activity thresholds identified in the statutes, above what the statutes require.

Executive Law section 172-b requires certain charitable organizations that file designated Annual Financial Reports with New York Attorney

General to also file such reports with the Department of State. This law requires a separate duplicate filing of any such report with the Department of State. It does not authorize the Attorney General to provide to the Department of State with a copy of such report. The Department of State has developed an electronic filing system to permit charitable organizations to expeditiously file a copy of their Annual Financial Report with the Department of State. Executive Law section 96 requires the Department of State to collect a fee for filing such reports. These regulations do not impose any additional filing fees.

Funding Disclosure Reports and Financial Disclosure Reports are also required to be filed with the Department of State under 172-e and 172-f respectively, and these reports are not required to be filed with the Attorney General. Such reports are subject to a fee under Executive Law section 96 when filed with the Department of State. These regulations do not impose any additional filing fees.

The proposed regulations require some additional information to be included with financial reports filed by charitable organizations. Such information is ordinarily maintained by charitable organizations. Funding Disclosure Reports and Financial Disclosure Reports will need to include a statement of the filing entity's mission that is consistent with what was or would be provided to the Internal Revenue Service of the United States Department of the Treasury with a filing entity's application for recognition of exemption as a 501(c)(3) or 501(c)(4), as applicable. Providing this additional information will not impose any additional costs on charitable organizations that file such reports, because the rule does not require a charitable organization to obtain old IRS forms.

These regulations do not impose any additional costs.

B. The proposed regulations do not impose any additional costs on the Department of State, the State or local governments.

Executive Law Sections 172-b, 172-e and 172-f require certain charitable organizations to file Annual Financial Reports, Funding Disclosure Reports and Financial Disclosure Reports respectively. Executive Law Section 172-b requires certain charitable organizations that file an Annual Financial Report with New York Attorney General to also file such report with the Department of State. This law requires a separate duplicate filing of such report with the Department of State. It does not authorize the Attorney General to provide to the Department of State with a copy of such report. The Funding Disclosure Reports and Financial Disclosure Reports required to be filed with the Department of State under 172-e and 172-f respectively are not required to be filed with the Attorney General.

The Department of State has developed a filing system for financial reports filed with the Department of State under Article 7-A of the Executive Law. This system includes an electronic filing system to permit charitable organizations to the financial reports with the Department of State.

These regulations do not impose any additional costs on the Department of State, the State or local governments

The cost analysis is based upon the sections of law identified above. There is no other information or methodology that bears upon the cost analysis.

5. Local government mandates:

The proposed regulations do not impose any mandates on local governments.

6. Paperwork:

These proposed regulations will require specified mission-related information of the filing entity to be included with the funding and financial disclosure reports filed with the Department of State. Such information may be included with the submission of such financial reports through the Department's electronic filing system.

This information is needed in order for the Department to comply with its mandate under Executive Law section 93-a. As relating to the funding and financial disclosure reports, the proposed rule at issue neither requires a filing entity to provide an IRS Form 1023 or 1024, nor requires a filing entity to obtain and provide old IRS forms, but instead uses the IRS Form 1023 and 1024 as a framework by which a filing entity would identify specific mission and activity-related information applicable to the filing entity's activity during the applicable time-period. Requiring a charitable organization to identify the scope of its mission using the parameters presented in the proposed rule text is not onerous in that it simply requires qualifying entities to provide information about its mission and activities that are sufficient in scope to enable DOS to comply with its mandate under section 93-a. The charitable organization is in the best position to identify the nature and scope of its purpose and activities. Moreover, providing a filing entity with the opportunity to characterize its mission with such specific information inures to the benefit of the filing entity insofar as it mitigates the possibility that DOS makes a decision to publish a report as inconsistent with the charitable purposes of a filing entity, where such decision is based on a submission of factually incomplete or insufficient information about such filing entity's charitable purpose; a scenario

that is likely to play out repeatedly were DOS to implement the alternatives proffered in the public comments on this issue.

The following revisions to the proposed rule regarding paperwork requirements are noted. In response to public comments: language has been added to section 146.2 to assure filing entities that the Annual Financial Report (as required by Executive Law section 172-b) will not need to be filed with the Department of State prior to the date that it is required to be filed with the New York State Attorney General; and language has been deleted from section 146.3 that would have required a statement of the filing entity's mission to accompany the Annual Financial Report filing. The proposed rule has also been revised at sections 146.4 and 146.5 to clarify the information that is to accompany the filing entity's Funding Disclosure Report (as required by Executive Law section 172-e) and Financial Disclosure Report (as required by Executive Law section 172-f), respectively. Sections 146.6 and 146.7 contain a technical revision by which the term "charitable organizations" is replaced by the term, "filing entities." Section 146.8 is being revised to clarify the contents of a notice of intent to publish. Section 146.9 is being revised as indicated in the above section regarding legislative objectives.

7. Duplication:

These proposed regulations do not duplicate any existing regulatory requirements of the state or federal governments. These proposed regulations are necessary for Annual Financial Reports, Funding Disclosure Reports and Financial Disclosure Reports that are required to be filed with the Department of State under Article 7-A of the Executive Law. These regulations are not in conflict with 13 NYCRR 90, which regulates separately the filing of Annual Financial Reports with the New York State Attorney General required under Executive Law section 172-b. Since section 172-b requires certain Annual Financial Reports filed with the New York State Attorney General to also be filed with the Department of State, the regulations themselves do not duplicate existing requirements of the state or federal governments.

8. Alternatives:

The Department of State discussed the possibility of operating a joint filing portal or similar mechanism by which qualifying entities required to file an Annual Financial Report with the Department of State might be able to comply with section 172-b through a single filing. However, the Department of State alone is responsible for receipt of Funding and Financial Disclosure Reports and an electronic filing system needed to be developed and operational on the effective date of the law, and there was insufficient time for the Department of State and Attorney General's Office to identify and implement any such process by such time. These regulations are required by law and provide guidance necessary to implement the law, and any system or process by which a filer could file an Annual Financial Report with the Department of State in a single transaction made in conjunction with the Attorney General filing would not have altered the text of the proposed regulations.

9. Federal standards:

The federal government does not have any minimum standards for this subject area.

10. Compliance schedule:

Regulated entities will be capable of complying with the regulations beginning on the date they become effective, which is planned to coincide with date of publication of Notice of Adoption in the State Register.

Revised Regulatory Flexibility Analysis

Upon a further review of the nature and purpose of the proposed regulations, the Department of State has confirmed that a regulatory flexibility analysis for small businesses and local governments is not required because these regulations would not impose any adverse economic impact or reporting, recordkeeping, or other compliance requirements on small businesses or local governments.

The proposed regulations would provide clear guidance regarding implementation of new provisions of law to enable charitable non-profit organizations to more easily and efficiently prepare and file financial reports with the Department of State. Article 7-A of the Executive Law, as amended by Chapter 55 of the Laws of 2020, requires the filing of financial reports by certain charitable organizations. These regulations, in order to ensure the Department's ability to perform its functions under the law, would require the inclusion of some information in the reports that is not specifically indicated in the law. The regulations would set forth procedures and requirements: to be followed by charitable organizations that are required to file financial reports with this Department, and for this Department's examination of such reports.

Charitable organizations would be subject to the provisions of the proposed regulations, but small businesses and local governments would not be impacted by their adoption.

Revised Rural Area Flexibility Analysis

Revisions to the previously published proposed rule do not necessitate modification of the previously published Rural Area Flexibility Analysis.

Revisions to the proposed rule will not impose any adverse impact or reporting, record keeping or other compliance requirements on public or private entities in rural areas, which will not be impacted by the rule in any greater amount than non-rural areas.

Revised Job Impact Statement

Revisions to the previously published proposed rule do not necessitate modification of the previously published Job Impact Statement. As apparent from the nature and purpose of the revised rule, it will have no impact on jobs or employment opportunities; the rule will merely provide guidance and processes pertaining to certain reports that charitable organizations are statutorily required to file with the Department of State.

Assessment of Public Comment

The Department of State (DOS) received public comments from three sources:

1) A letter dated March 12, 2021 submitted by Lawyers Alliance for New York, Nonprofit New York, Perlman + Perlman LLP, and Pro Bono Partnership (“Lawyers Alliance, et al.”);

2) An email dated March 15, 2021 from Halfon & Boehm, P.C., Attorneys at Law, 45 West 36th St., 6th Floor, New York, NY 10018-7635 (“Halfon & Boehm”); and

3) A letter dated April 5, 2021 from the Non-Profit Organization Committee of the Association of the Bar of the City of New York (“NYC Bar”).

The public comments collectively addressed five issue areas. A summary and analysis of the issues raised and significant alternatives suggested by any such comments are presented below by issue area, followed by a statement of the reasons why any significant alternatives were not incorporated into the rule and a description of any changes made in the rule as a result of such comments.

First Issue: Single filing portal

DOS was urged by Lawyers Alliance, et al. to amend its proposed rule to provide that filing an Annual Financial Report with the Charities Bureau of the New York State Attorney General’s Office (“Charities Bureau”), pursuant to section 172-b of the Executive Law, will satisfy a nonprofit organization’s obligation to file the same report with DOS. The request was supported by assertions that a single filing portal would save state government resources, and save scarce charitable funds by eliminating the requirement that nonprofits must file the same report in two separate places.

Response to First Issue:

Before proposing the regulation, DOS consulted with the Charities Bureau of the New York State Attorney General’s Office to discuss the feasibility of operating a single filing portal by which annual financial reports filed with the Charities Bureau that are now also required to be filed with DOS, could be received by both agencies upon a single submission by a filing entity. DOS and the Charities Bureau were unable to reach a decision on the issue and operationalize such a single filing portal by the effective date of amendment to section 172-b of the Executive Law (“section 172-b”). The statute neither requires nor prohibits operation of such a single filing portal, and the proposed rule text does not require amendment to allow for such a single filing portal, insofar as it provides that “[a]ll submissions may be filed electronically.” DOS will continue to ascertain the feasibility and cost-effectiveness associated with creation and maintenance of a single filing portal, but unless and until such a portal can be operationalized, DOS is constrained by the governing statute’s mandate to require DOS to receive qualifying annual financial reports filed by qualifying charitable organizations on and after January 1, 2021. Development of a single filing portal for annual financial reports would not save Department of State resources as the Department is constrained to develop and maintain a filing portal for funding disclosure reports and financial disclosure reports required under Executive Law sections 172-e and 172-f respectively. This filing portal will also be used to file annual financial reports.

Second Issue: Offer extensions granted by the Charities Bureau

Lawyers Alliance, et al., Halfon & Boehm, and the NYC Bar requested a revision of the rule text that would provide clarification that the same deadline for filing of an annual financial report with the Charities Bureau would apply to DOS. Both comments identify that the Charities Bureau granted an automatic 180-day extension of the time to file an annual financial report; no written request is required. Lawyers Alliance, et al. further indicates such extension is necessary to enable nonprofit organizations to prepare information associated with annual financial report filings under section 172-b, that an audit can cost as much as \$20,000, and an expedited service may cost more. The NYC Bar points to website guidance posted by DOS that identifies that “charitable organizations must file these new reports with it ‘on or before the fifteenth day of the fifth calendar month after the close of the charitable organization’s fiscal year,’ without reference to the discretion granted to the Charities Bureau to extend the deadline.”

Response to Second Issue:

The obligation of a qualifying registered charitable organization to file an annual financial report with DOS under section 172-b is contingent upon the organization’s obligation to file such report with the Charities Bureau; the statute does not require filing of an annual financial report with DOS, it requires filing of such annual report (the one filed with the Charities Bureau) with DOS. A revision to the rule text that expressly allows DOS to honor extensions of the filing deadline applicable to an annual financial report granted by the Charities Bureau is not necessary for DOS to honor such extensions, because the applicability of any extension granted by the Charities Bureau is baked into the requirement to file such report with DOS, and the Charities Bureau maintains overall enforcement over Article 7-A. Nonetheless, to provide that clarity for qualifying filers DOS agrees to include such a revision to the rule text. In addition, DOS will ensure its website information relating to filing deadlines applicable to annual financial reports reflects the addition of any extensions granted by the Charities Bureau.

Third Issue: the proposed regulations require an extra-statutory filing requirement

Lawyers Alliance, et al. and the NYC Bar seek a revision to the rule text that would remove the requirement that filing entities provide a statement of the filing entity’s mission that is consistent with what was or would be provided to the Internal Revenue Service (“IRS”), with a filing entity’s application for recognition of exemption as a 501(c)(3) or 501(c)(4), as applicable, all charitable categories identified in such application, any narrative description of the filing entity’s activities provided with such application, and any supporting details provided with such application, as proposed in paragraph (b) of section 146.3 (relating to the annual financial report), paragraph (a) of section 146.4 (relating to the funding disclosure report), and paragraph (a) of section 146.5 (relating to the financial disclosure report). The public comments on this issue assert that imposition of such a requirement on charitable organizations goes beyond the scope of legislative authorization, identify several obstacles purportedly associated with this proposed requirement, including that the rule would require a 501(c)(3) organization to request a copy of its Form 1023 from the IRS, assert that collection of such granular information is not necessary because a charitable organization presents mission information on the IRS Form 990, and even argue that requiring the type of mission-related information presented in the proposed rules exceeds the agency’s statutory authority.

Response to Third Issue:

DOS agrees that requiring the subject mission information with the filing of an annual financial report is not necessary to enable DOS to comply with its mandate under section 93-a of the Executive Law (“section 93-a”), insofar as section 93-a requires DOS to compare the activity associated with a funding or financial disclosure report to the filing entity’s charitable purpose, and the proposed regulations include the requirement to provide such mission information with the funding and financial disclosure reports. DOS is accordingly including a removal of paragraph (b) of section 146.3 in its revised rule text, so that charitable entities that do not meet the activity thresholds associated with the funding and financial disclosure reports need not provide information with an annual financial report that DOS might not use.

As relating to the funding and financial disclosure reports, the proposed rule at issue neither requires a filing entity to provide an IRS Form 1023 or 1024, nor requires a filing entity to obtain and provide old IRS forms, but instead uses the IRS Form 1023 and 1024 as a framework by which a filing entity would identify specific mission-related information applicable to the filing entity’s activity during the applicable time-period. Requiring a charitable organization to identify the scope of its mission using the parameters presented in the proposed rule text is not onerous in that it simply requires qualifying entities to provide information about its mission that is sufficient in scope to enable DOS to comply with its mandate under section 93-a. The charitable organization is in the best position to identify the nature and scope of its purpose and activities. Moreover, providing a filing entity with the opportunity to characterize its mission with such specific information inures to the benefit of the filing entity insofar as it mitigates the possibility that DOS makes a decision to publish a report as inconsistent with the charitable purposes of a filing entity, where such decision is based on a submission of factually incomplete or insufficient information about such filing entity’s charitable purpose; a scenario that is likely to play out repeatedly were DOS to implement the alternatives proffered in the public comments on this issue.

Analyzing the alternatives proffered in the public comments, that DOS rely solely on a not-for-profit corporation’s purpose clause presented in its formation documents, and/or a filing entity’s IRS Form 990, DOS considered both scenarios when considering rule text and found that neither scenario allows DOS to carry out its duties under section 93-a in all scenarios. Many not-for-profit corporations do not include a specific purpose statement in their certificate of incorporation and only provide that the corporation is formed for all lawful charitable purposes. Addition-

ally, not all qualifying entities are guaranteed to be not-for-profit corporations. For not-for-profit corporations, where a filing entity's formation document/certificate of incorporation states that the purpose of the corporation is any purpose for which corporations may be organized under the not-for-profit corporation law as a charitable corporation, such information would be insufficient to enable DOS to comply with section 93-a. As to the mission-related information presented in an IRS Form 990, there are two problems with a rule that relies solely on the information presented in that form. First, the requirement that a qualifying entity provide an IRS Form 990 with its annual financial report is not based in statute, but based solely in regulations promulgated by the Attorney General. The relevant statutes require the qualifying entity to also file with DOS "a complete Internal Revenue Service Form 990 Schedule B," not "a complete Internal Revenue Service Form 990, with Schedule B." Insofar as the statute requires filing only of the Schedule B, which is a separate document than the Form 990, DOS must rely on the Attorney General's regulation to obtain the Form 990, which would be unavailable were the Attorney General to repeal such requirement through amendment of its regulations. As a more practical consideration, the mission information presented in the Form 990, even if it were consistently, reliably available in perpetuity, may not always paint a clear picture of the scope of filing entity's mission and related activities. Were a Form 990 only to present new or supplemental information about the entity's mission, DOS would have incomplete information upon which to base a decision about whether a filing entity's financial activity was inconsistent with its charitable purposes, potentially frustrating the intent of the statute, increasing the likelihood of an erroneous publication decision, and/or inadvertently resulting in a charitable organization incurring the time, trouble, and expense associated with a legal challenge.

The assertion by Lawyers Alliance, et al. and the NYC Bar that the requirement that a filing entity provide the subject mission-related information goes beyond the scope set forth by the legislature is unsupported by the statutes that provide authorization to promulgate the subject regulations. The Regulatory Impact Statement published in the February 3, 2021 edition of the State Register identifies the statutory authority that justifies promulgation of such a rule.

Fourth Issue: Confidentiality

The public comments submitted by Lawyers Alliance, et al. request that the regulations include language requiring DOS to maintain confidentiality of the identities of the major donors of 501(c)(3) public charities, to wit: "the information contained on the IRS 990 Schedule B that is filed as part of an organization's Annual Financial Report under Executive Law 172-b." Lawyers Alliance, et al. also urges DOS to mirror provisions of regulations promulgated by the States of New Jersey and California that require the government to destroy the reports when they are no longer "necessary for the enforcement" of the law, and to prohibit the use of the records for any use other than enforcement of the underlying law. Lawyers Alliance also asserts that the proposed regulations allow for publication of Form 990 Schedule B donor information beyond the officials in the filing agency and the Attorney General's office charged with enforcing New York's charity regulations.

Response to Fourth Issue:

The rule text presents a clear rule regarding confidentiality and publication in two contexts; regarding a website publication decision under section 93-a, and regarding DOS responding to a request made under the Freedom of Information Law (FOIL). As to the first context, the rule text is not silent as to publication on the DOS website of the identities of donors of 501(c)(3) organizations, and the names and addresses of donors reported on the IRS Form 990 Schedule B, and the statute (section 93-a) is clear on this point: "such publishing shall not include the names and addresses of individual donors to covered entities nor shall such publishing include the covered entity's Internal Revenue Service Form 990 Schedule B." Section 93-a provides the same prohibition with respect to the DOS annual report. While the statute's prohibition against publication of such information is not dependent on a reiteration in regulation of the same prohibition, the prohibition in section 93-a is repeated in proposed rule section 146.10(a) to provide assurance on this sensitive issue. In addition, the rule text applies the prohibition in the second context, relating to FOIL requests. The legal authority supporting application of the confidentiality rule to FOIL is based on the legislative intent implied in section 93-a's clear mandate about what information is not intended to be published as public information, as well as the federal court decision, *Citizens Union of City of New York v. Attorney General of State of New York*, 408 F.Supp.3d 478, 504 (S.D.N.Y., Sept. 30, 2019) (determining the rule presented in the previous statute that required donor identity disclosure on the funding disclosure report to be unconstitutional). Without such a rule, the confidentiality intended by section 93-a would be undermined by a seemingly unintentional loophole by which anyone could submit a FOIL request to receive constitutionally protected information, publication of which is expressly prohibited by statute. The proposed regulations do NOT allow for publica-

tion of Form 990 Schedule B donor information beyond the officials in the filing agency and the Attorney General's office charged with enforcing New York's charity regulations, so no revision to the confidentiality portion of the regulations requires revision. The prohibition against publication and disclosure of such protected donor information seals the vault as to donor identity information, and renders moot the request for an additional rule that DOS mirror the provisions of New Jersey and California regulations that require the government to destroy the reports when they are no longer necessary for enforcement of the law. The Department of State intends to adopt an appropriate record retention and disposition schedule for these records pursuant to Arts and Cultural Affairs Law section 57.05. 8 NYCRR Part 188 establishes the framework of policies and procedures for the creation, maintenance, disposition, and selective preservation of State government records. Agencies wishing to obtain approval for records disposition for any of their records must complete the appropriate forms and submit to State Archives for review and approval. All records are permanent until disposition approval is obtained from State Archives. DOS collects and maintains sensitive data in other program areas as well (e.g., for licensees) and has systems in place to safeguard sensitive records. DOS intends to use the same level of care for reports and records collected under Article 7-A of the Executive Law, and intends to establish a records retention program that is commensurate with the agency's obligations under section 93-a of the Executive Law.

Fifth Issue: The Regulatory Impact Statement and Regulatory Flexibility Analysis are deficient

Lawyers Alliance, et al. asserts that the Regulatory Impact Statement (RIS) and Regulatory Flexibility Analysis (RFA) violate SAPA and DOS' rule-making criteria by failing to accurately assess the cost, including any professional services that would be required, alternatives that would avoid unnecessary duplication, and the number of regulated entities that would be affected.

Response to Fifth Issue:

DOS includes a revised Regulatory Impact Statement and Regulatory Flexibility Analysis with publication of the Notice of Revised Rulemaking and revised rule text that reflects revisions to the rule text published with the notice of revised rulemaking and address DOS' assessment of cost, and alternatives. Identifying the number of regulated entities that would be affected by the requirement that qualifying entities file funding and financial disclosure reports is speculative, because such requirements are new law, and the Attorney General did not collect such reports when the 2016 law was passed, due to the associated legal challenge. While the Charities Bureau maintains data as to the number of registered charitable organizations, and the number of such organizations who file annual financial reports with the Charities Bureau, the funding and financial reports have never been filed with the state, and they amount to activity reports applicable to a subset of qualifying registered charitable organizations who have never had to file such reports. Accordingly, the Charities Bureau has no available data on this issue, and DOS has no reliable metric with which to predict the number of entities that would file such reports.

The assertions presented by Lawyers Alliance, et al. as to cost information reflected in the RIS and RFA have been addressed by the responses herein relating to the feasibility of operation of a single filing portal, extensions applicable to the annual financial report, and efforts to obtain old IRS Form 1023 and 1024 documents. The assertion relating to the failure to accurately assess the cost to DOS itself is flawed; the statement that "[t]he proposed regulations do not impose any additional costs on the Department of State" is accurate, in that the rule text proposed does not prohibit operation of a single filing portal, as discussed above.

The statement in the RIS relating to alternatives to avoid duplication, that the proposed regulations do not duplicate existing requirements of the state or federal governments is accurate; it is not the rule text that requires filing with the Attorney General and DOS, it is the statute itself, by which DOS is constrained as any affected stakeholder.

Workers' Compensation Board

NOTICE OF ADOPTION

Medical Treatment Guidelines

I.D. No. WCB-42-20-00005-A

Filing No. 906

Filing Date: 2021-08-17

Effective Date: 2021-09-01

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

Action taken: Amendment of section 324.2 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 13, 13-a, 141 and 117

Subject: Medical Treatment Guidelines.

Purpose: To add PTSD and depressive disorders medical treatment guidelines.

Text of final rule: Paragraph (5) of Subdivision (a) of Section 324.2 of Title 12 NYCRR is hereby amended to read as follows:

(5) for treatment of carpal tunnel syndrome before [January 1] *November 1, 2021*, the New York Carpal Tunnel Syndrome Medical Treatment Guidelines, Second Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference; and,

Paragraphs (7), (8), (9), (10), (11), and (12) of Subdivision (a) of Section 324.2 of Title 12 NYCRR are hereby amended to read as follows:

(7) for the hip and groin, the New York Hip/Groin Medical Treatment Guideline, First Edition, March 18, 2020, effective [January 1] *November 1, 2021*, which is incorporated herein by reference; and

(8) for the foot and ankle, the New York Foot/Ankle Medical Treatment Guideline, First Edition, March 18, 2020, effective [January 1] *November 1, 2021*, which is incorporated herein by reference; and

(9) for the elbow, the New York Elbow Medical Treatment Guideline, first edition, March 18, 2020 effective [January 1] *November 1, 2021*, herein incorporated by reference; and

(10) for occupational interstitial lung disease, the New York Occupational Interstitial Lung Disease Medical Treatment Guideline, first edition, March 18, 2020, effective [January 1] *November 1, 2021*, herein incorporated by reference; and

(11) for asthma, the New York Asthma Medical Treatment Guideline, first edition, May 12, 2020, effective [January 1] *November 1, 2021*, herein incorporated by reference; [and]

(12) for hand, wrist and forearm, including treatment for carpal tunnel syndrome rendered on or after [January 1] *November 1, 2021*, the New York Hand, Wrist & Forearm Medical Treatment Guideline, first edition, May 12, 2020, effective [January 1] *November 1, 2021*, herein incorporated by reference[.];

New paragraphs (13) and (14) of subdivision (a) of section 324.2 of Title 12 NYCRR are hereby added to read as follows:

(13) *for post-traumatic stress disorder and acute stress disorder, the New York Post-traumatic Stress Disorder and Acute Stress Disorder Medical Treatment Guideline, first edition, September 15, 2020, effective November 1, 2021, herein incorporated by reference; and*

(14) *for depression, the New York Work-Related Depression and Depressive Disorders Medical Treatment Guideline, first edition, September 15, 2020, effective November 1, 2021, herein incorporated by reference.*

Subdivision (b) of section 324.2 of Title 12 NYCRR is hereby amended to read as follows:

(b) Obtaining the medical treatment guidelines. The New York Medical Treatment Guidelines incorporated by reference herein may be examined at the office of the Department of State, 99 Washington Avenue, Albany, New York, 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the Board. Copies may be downloaded from the Board's website without a fee[,] at wcb.ny.gov. [or obtained from the Board by submitting a request in writing, identifying the specific guideline requested to Publications, New York State Workers' Compensation Board, 328 State Street, Schenectady, New York 12305-2318.]

Final rule as compared with last published rule: Nonsubstantial changes were made in section 324.2.

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

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

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required because the changes made to the last published rule do not necessitate revision to the previously published documents. These changes do not affect the meaning of any statements in the document.

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 approximately 11 unique written comments.

Comments on the proposal generally

The Board received two comments from the same individual expressing concern that the Board dismissed previous comments made by the individual in the original proposal, quoting part of the previous assessment of public comment. Because the quoted part of the assessment of public comment was not referring to this individual's comments, and these comments do not deal with the substance of the revised proposal, no change has been made in response to these comments.

The Board received two additional comments from the same individual opining that the administrative requirements for filing reports and treatment plans, etc. will dilute time needed to treat patients and is overwhelming and unnecessary. The Board believes that the requirements outlined in the MTGs are reasonable and necessary to ensure quality care for injured workers, so no change has been made in response to this comment. Nowhere in the MTGs is it suggested that providers should reduce clinically indicated time spent in the treatment of injured workers in order to address administrative tasks, so no change has been made in response to these comments.

The Board received a comment from the same individual opining that enabling insurance carriers to be the first to decide if a request for additional care is necessary is a conflict of interest, as well as further concerns about insurance companies. This comment is a commentary on the systems and processes that are presently in place under existing Workers' Compensation law, and does not address any of the clinical recommendations that are made in the MTGs, and therefore no change was made in response to this comment.

The Board received a comment from the same individual and another individual expressing concerns that many patients will not have access to the care they need with these proposed medical treatment guidelines, especially requiring existing patients to be bound to the MTGs. The MTGs represent the evidence-based standard of care for ill and injured workers in the NYS WC System. Implementation of new MTGs has always defined the evidence-based standard of care for workers with new and existing diagnoses, and have been clinically applicable to all patients with corresponding diagnoses, even those whose dates of injuries predate the implementation of the MTG. To do otherwise would be to deny ill and injured workers whose dates of injuries predate the MTG the benefit of having the most up-to-date, evidence-based standard of care, and by definition would relegate such ill and injured workers to a standard of care. The MTGs are not intended to, and nor should they, deny ill/injured workers appropriate care. The MTGs should, however, give providers the opportunity to take measure of the care they are providing to each patient and assure that the care meets the evidence-based standard. The Board believes the MTGs accomplish these goals, so no change has been made in response to these comments.

One comment expressed concerns about the system for submitting requests being a barrier to treatment. This comment is a commentary on the systems and processes that are presently in place under existing Workers' Compensation law, and do not address any of the clinical recommendations that are made in the MTGs, so no change has been made in response to this comment.

One of the comments received requested no testing limit for the initial intake and assessment and a three-hour testing limit for reassessment. The request for unlimited testing for initial intake and assessment is inconsistent with the evidence-based medical literature, comparable medical treatment guidelines, and expert consensus opinion, so no change has been made in response to this comment.

The Board received several comments requesting that the session lengths, frequency, and duration should be determined by the psychologist with the patient, not the MTGs, and that it should not be a one-size-fits-all approach. The guidelines do not set hard and fast limits on the number, frequency and duration of clinical engagements. Rather, they set evidence-based guidance for the duration and frequency of treatment, allowing for expected variability on a case-by-case basis. The WC system gives providers ample opportunity to articulate the need for such variability for any given patient, on a case-by-case basis, so no change has been made in response to these comments.

The Board received a comment expressing concern that the proposed guidelines do not have a process for obtaining additional time for treatment if it's necessary beyond the limits in the guidelines. Because the prior authorization process already exists to address situations where treatment may necessarily differ from the MTGs, no change has been made in response to this comment.

One of the comments requested a brief reassessment for Degree of Disability every four months be added to the MTGs. The commenter provides no evidence basis for requiring a reassessment of "Degree of Disability" every four months. Providers are required to comment on degree of disability at the time of each clinical encounter. Absent a significant change in a patient's clinical/functional status, there is no evidence basis for requiring a "formal" reassessment of a patient's functional status every

four months, beyond the assessments that can and should be made as part of routine follow-up care, without requiring additional, extensive and unnecessary batteries of tests. Therefore, no change has been made in response to this comment.

This comment also requested a full battery reassessment and reevaluation report to be completed at 12 months to determine if MMI has been reached. The commenter provides no evidence basis for requiring a “full battery reassessment and reevaluation report to be completed at 12 months to determine MMI”. Providers are required to comment on degree of disability at the time of each clinical encounter. Individuals will reach MMI at different rates and at different times during the course of their care. The extent of testing required to determine MMI (and permanent impairment, if any) is determined on a case-by-case basis. For many, a “full battery reassessment” is not required. Providers routinely make assessments of disability, impairment and MMI status as part of routine follow-up care, without requiring additional, extensive and unnecessary batteries of tests. Therefore, no change has been made in response to this comment.

The comment also opined that patients continue to get IMEs per the insurance carrier. Because this comment is a commentary on the systems and processes that are presently in place under existing Workers’ Compensation law, and does not address any of the clinical recommendations that are made in the MTGs, no change has been made in response to this comment.

The comment also requested that brief reassessments with objective assessments associated with the presenting diagnosis and patients given measures to assess impact of pain on psychological functioning if needed, based on clinical examination findings. The MTGs address the interaction between pain and psychological functioning. Therefore, no change to the MTGs has been made in response to this comment.

The Board received a comment from an association expressing concern that the Psychology Practice Committee was not consulted in drafting the proposed MTGs. The NYS WCB recognizes the knowledge and experience of the members of the WCB Psychology Practice Committee. To that end, as with any providers whose expertise is recognized by the Board, they were/are encouraged to submit comments during the public comment periods of these MTGs. Therefore, no change has been made in response to this comment.

Comments on the PTSD MTG proposal

The Board received a comment requesting clarification if sertraline, venlafaxine, and paroxetine explicitly first-line for PTSD treatment, or are they only preferred before a trial of mirtazapine, and if sertraline, venlafaxine, and paroxetine are first-line across the board, then is fluoxetine also first-line for PTSD, or if it is in a lower tier than sertraline, venlafaxine, and paroxetine. Typically in the MTGs, the Board does not classify recommended medications as “first-line”. The Board does specifically identify “second line” medications, along with conditions that would typically have to be met prior to the use of the second line medication (e.g. trial of first line medications). No change has been made in response to this comment.

The comment also requested clarification about sections I.1.e Escitalopram and I.1.f Citalopram, specifically whether the recommendation is also true for patients who have not responded to paroxetine and venlafaxine (and fluoxetine), or is a failed trial of sertraline the only prerequisite to a trial of escitalopram or citalopram. These sections of the MTGs are intended to be implemented as written. Escitalopram and Citalopram are considered second-line medications in the treatment of PTSD, and should only be prescribed in instances where patients have not responded to sertraline. That said, the MTGs do not state that sertraline is the only medication that should be tried prior to the use of escitalopram or citalopram, as many providers will try multiple, different first-line medications prior to utilizing a second-line medication. Such clinical decision-making is typically made on a case-by-case basis, based on the clinical situation. No change has been made in response to this comment.

One of the comments requested a change to allow frequency of treatment to be based on the treating therapist’s idea of the degree of disability. The MTGs provide evidence-based guidelines for the frequency of treatment that is based on clinical necessity and efficacy, so no change has been made in response to this comment.

The Board received two comments requesting that every patient be allowed 6-9 months of weekly treatment, continuing on differing schedules based on MMI and/or degree of disability. The MTGs provide evidence-based guidelines for the frequency and duration of treatment that is based on clinical necessity and efficacy. Therefore, no change has been made in response to these comments.

The Board received a comment from an individual stating that they suffer from PTSD and do not want their treatment stopped. Because the comment does not reference any specific concern with the proposed regulation, no change has been made in response to this comment.

Changes made:

- Changed effective date in the text from July 7, 2021 to November 1, 2021

- Clarifying change in the text for where to obtain copies of the MTGs (added the Board’s website URL)
- Clarifying change in the preauthorization section of the MTGs to reference the section of the regulation where the list of Special Services is found

NOTICE OF ADOPTION

Medical Treatment Guidelines

I.D. No. WCB-06-21-00013-A

Filing No. 907

Filing Date: 2021-08-17

Effective Date: 2021-09-01

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

Action taken: Amendment of section 324.2 of Title 12 NYCRR.

Statutory authority: Workers’ Compensation Law, sections 13, 13-a, 141 and 117

Subject: Medical Treatment Guidelines.

Purpose: To update the back, neck, shoulder, and knee medical treatment guidelines.

Text of final rule: Paragraph 1 of Subdivision (a) of Section 324.2 of Title 12 NYCRR is hereby amended to read as follows:

(a) Medical Treatment Guidelines. Regardless of the date of accident or date of disablement, treatment of on the job injuries, illnesses, or occupational diseases shall be consistent with the applicable Medical Treatment Guidelines set forth herein. The operative Medical Treatment Guidelines shall be the Medical Treatment Guidelines in place on the date on which medical services are rendered. All Treating Medical Providers shall treat all existing and new workers’ compensation injuries, illnesses, or occupational diseases, except as provided in section 324.3 of this Part, in accordance with the following:

(1) for the lumbar and thoracic spine *before November 1, 2021*, the New York Mid and Low Back Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is herein incorporated by reference; *for lumbar and thoracic spine treatment rendered on or after November 1, 2021*, the New York Mid and Low Back Injury Medical Treatment Guidelines, Fourth Edition, January 26, 2021, effective November 1, 2021, which is herein incorporated by reference.

Paragraph 2 of Subdivision (a) of Section 342.2 of Title 12 NYCRR is hereby amended to read as follows:

(2) for the cervical spine *before November 1, 2021*, the New York Neck Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference; *for cervical spine treatment rendered on or after November 1, 2021*, the New York Neck Injury Medical Treatment Guidelines, Fourth Edition, January 26, 2021, effective November 1, 2021, which is herein incorporated by reference.

Paragraph 3 of Subdivision (a) of Section 342.2 of Title 12 NYCRR is hereby amended to read as follows:

(3) for the knee *before November 1, 2021*, with the New York Knee Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference; *for knee treatment rendered on or after November 1, 2021*, the New York Knee Injury Medical Treatment Guidelines, Fourth Edition, January 26, 2021, effective November 1, 2021, which is herein incorporated by reference;

Paragraph 4 of Subdivision (a) of Section 342.2 of Title 12 NYCRR is hereby amended to read as follows:

(4) for the shoulder *before November 1, 2021*, the New York Shoulder Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference; [and] *for shoulder treatment rendered on or after November 1, 2021*, the New York Shoulder Injury Medical Treatment Guidelines, Fourth Edition, January 26, 2021 effective November 1, 2021, which is herein incorporated by reference;

Final rule as compared with last published rule: Nonsubstantial changes were made in section 324.2.

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

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis and Rural Area Flexibility Analysis are not required because the changes

to the last published rule do not affect the meaning of any statements in the document.

Revised Job Impact Statement

The proposed rule will not have an adverse impact on jobs. The proposed rule amends Section 324.2 of Part 324 of 12 NYCRR, known as the Medical Treatment Guidelines (Guidelines), to update the back, neck, shoulder, knee, and non-acute pain Guidelines.

The rule does not eliminate any existing process, procedure, or program, and will not result in an adverse impact on jobs.

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 approximately four unique written comments.

Comments on the proposal generally

One joint comment from two associations supported the proposed updates to these medical treatment guidelines (MTGs). Accordingly, no change has been made in response to these comments.

One comment asked if additional information (a recommendation for radicular pain) should be added to the Neck Injury MTG, similar to the existing statement in the Mid and Low Back Injury MTG. Because the recommendations were already similar in the two MTGs, just with different placements in the two documents, no change has been made in response to this comment.

This comment also requested clarification if carisoprodol should be specified as a “not recommended” agent in the Neck Injury MTG, pointing out the Mid and Low Back Injury MTG excludes it. A clarifying change has been made to the Neck MTG, as it was inadvertently omitted, to make both MTGs consistent.

One comment from an association requested redlined edits in future proposed updates to the MTGs. No change has been made to the proposal in response to this comment, but the Board will keep this in mind for future MTG updates.

Mid and Low Back Injury MTG

One comment pointed out that page 41 of the proposed Mid and Low Back Injury MTGs referenced subacute or nonacute neck pain and asked if it was intended to say “back” rather than “neck.” The Board has corrected this typographical error.

One comment from an association requested language be added to section C.1.b. to further clarify the contraindication. The Board added “There are many instances in which a metallic object may be dislodged by the MRI’s magnetic field, causing significant harm, or even death” to emphasize that clinical judgment and caution should be exercised on a case-specific basis.

This comment also requested a note be added to section C.2.d. to clarify limitations and complications related to the procedure. The Board has added language addressing this and the risk of complications for lumbar discography.

One comment from a society recommended splitting a sentence in section E.4 into two sentences to clarify the language. The Board has made this change.

The comment also recommended removing “minimally invasive” in section E.8 for clarity. The Board has revised section E.8(11) of the Back MTG to read: “The physician performing the surgery has either completed procedure-specific training or has been granted hospital privileges to perform the specific type(s) of surgery(ies) being contemplated.”

Shoulder Injury MTG

Three comments corrected a typographical error in the D.4.d heading. The Board has fixed this error.

One comment requested clarification about what specific classes of medications are included in psychotropics, as antidepressants and anticonvulsants are discussed previously in the guideline as “may be indicated” for treatment of various nerve injuries. The Board has corrected this discrepancy using clarifying language.

One comment from an association recommended removing the sentence “not more than two to three times annually” from sections D.1.e.ii.a., D.2.e.iii, and D.3.e.iv. The Board has incorporated these suggested changes to improve clarity.

One comment from a society recommended adding D.2.d.iii MRI in select patients as clinically indicated. The Board has made this clarifying change.

The comment also recommended adding intra-articular steroid injection to section D.2.e.iii. The Board agrees that this is a good clarifying change and not much clinical difference, so the Board has made this change.

This comment also recommended adding Adhesive Capsulitis/Frozen Shoulder and D.2.f.ii. arthroscopic capsular release with MUA for recalcitrant cases. While the Board understands that there are some rare

instances that this treatment would be useful, the prior authorization process is available in the rare circumstances that this treatment is necessary, so no change has been made in response to this comment.

The comment also opined that a clarifying change should be made to section D.3.f. for biceps tenodesis or tenotomy for subluxing and inflammation nor tearing biceps tendon or subluxing biceps tendon with partial or complete subscapularis tearing. The Board has made this clarifying change.

The comment also recommended adding “tenodesis” to section D.11.f.ii, and the Board has added clarifying language to this section.

The comment also opined that biceps tenotomy/tenodesis are reasonable options in section D.11.f.iii. The Board believes this already appears in the MTG, so no change has been made in response to this comment.

Knee Injury MTG

One comment from an association requested clarification if a professional language interpreter provided via phone, such as LanguageLine or similar, would suffice. Section A is not unique to the Knee MTG, but rather is common across all MTGs. The interpreter requirement is not unique to the MTGs or the WC system, but rather is codified elsewhere as a statewide requirement for healthcare providers. Therefore, the Board has elected to not add any additional clarifying language at this time.

The comment also recommended the addition of “or alternate work” in Section A.18. The Board believes that this concept is addressed in Section A.19 which reads in part “For purposes of these guidelines, return to work is defined as any work or duty that the patient is able to perform safely” so no change has been made in response to this comment.

The comment also requested the Board to specify that an FCE may take place over two consecutive days. The general principles in Section A.18 are intended to generally describe the indications, uses and content of an FCE, and not outline specific time/duration requirements, so no change has been made in response to this comment.

This comment also recommended that the Board add recent history of trauma to section B.1.d in the list of red flags. The Board added more examples to the list of red flags for clarity.

The comment also requested that the Board add Lyme serology to section B.3 in the list of laboratory tests, and the Board has added this for clarity in eliminating something like this from consideration.

This comment also requested the Board add several maneuvers as examples used to test for meniscus injuries in section C.6. The Board agrees that this is a good clarifying and educational addition, and has expanded the explanation to include the McMurray, Apley, Steinman and Childress tests.

Neck Injury MTG

One comment from an association requested language to be added to section C.1.b. to further clarify contraindications for MRI. As above, the Board has added clarifying language.

Changes made:

- Changed effective date in text from May 24, 2021 to November 1, 2021

- Clarifying change in the preauthorization section of the MTGs to reference the section of the regulation where the list of Special Services is found

Back MTG

- Page 16: Added language regarding metallic objects and MRIs
- Page 21: Added clarifying language described risk of complications from lumbar discography

- Page 41: corrected typographical error to say “subacute or non-acute back pain”

- Page 55: Added clarifying language to eliminate a run-on sentence: “Lumbar fusion is not recommended for spinal stenosis without spondylolisthesis, instability or surgical instability and facetectomy of > 50% of the facets.”

- Page 59: Added clarifying language for physicians performing surgery under the SI joint fusion section (paragraph 11)

Neck MTG

- Page 16: Added language regarding metallic objects and MRIs
- Page 37: Reference to Carisoprodol not being recommended in order to conform to Back MTG

Knee MTG

- Renumbered table of contents to match page numbers
- Page 13: Added clarifying language for further examples of red flags
- Page 14: added clarifying language for Lyme serology
- Page 29: Added clarifying language with examples of physical examination

- Page 30: Made a formatting change to increase clarity

Shoulder MTG

- Page 18: Added clarifying language surrounding subacromial space injections

- Page 20: Added clarifying language for illustrative purposes for X-ray or MRI

- Page 21, 26: Added clarifying language for injections with steroids
- Page 26: Added examples of operative procedures
- Page 32: corrected a typographical error in the D.4.d heading
- Page 67: Added language clarifying biceps tenotomy/tenodesis
- Page 68: Fixed a typographical error
- Page 71: Added clarifying language regarding psychotropic medications and antidepressants

NOTICE OF ADOPTION

Updating the Prescription Drug Formulary and its Prior Authorization Process

I.D. No. WCB-13-21-00009-A

Filing No. 905

Filing Date: 2021-08-17

Effective Date: 2021-09-01

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

Action taken: Amendment of sections 441.1, 441.2, 441.3 and 441.5 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 13,-p, 117 and 142

Subject: Updating the prescription drug formulary and its prior authorization process.

Purpose: To include medical marijuana in the prior authorization process and update formulary.

Text of final rule: Subdivision (i) of section 441.1 of Title 12 NYCRR is hereby amended to read as follows:

(i) Non-Formulary drug means a drug that does not appear on the Formulary and which is one of the following: an FDA-approved prescription drug; an FDA-approved nonprescription drug; or a nonprescription over the counter drug that is marketed pursuant to an FDA OTC Monograph. Non-Formulary drugs do not include non-FDA approved drugs and such drugs may not be prescribed. [Medical marijuana prescribed and dispensed in accordance with Title V-A of the Public Health Law is not subject to this Part. The use of medical marijuana for work-related injuries will be regulated by the Board pursuant to section 324.3 of this Chapter, regardless of where the medical marijuana was prescribed or dispensed.]

Section 441.2 of Title 12 NYCRR is hereby amended to read as follows:

The New York Workers' Compensation Formulary, [fourth/fifth edition (March 15[3], 20[19]21), incorporated by reference herein, identifies drugs using three lists:

(a) phase A for prescriptions within the first 30 days following an accident or injury;

(b) phase B for prescriptions after, the sooner of, the first 30 days following an accident or injury or acceptance or establishment of the claim; and

(c) perioperative for use during the perioperative period.

Copies of the formulary may be downloaded from the board's website free of charge. The formulary may be examined at the office of the Department of State, 99 Washington Avenue, Albany, New York 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the board, or obtained from the Board's *website*. [by submitting a request in writing, with a fee of \$5, to the New York State Workers' Compensation Board, 328 State Street, Schenectady, New York 12305-2318. Payment of the fee shall be made by check or money order payable to "Chair WCB."] Information about the formulary can be requested by email at [GENERAL_INFORMATION] WCBFormularyQuestions@wcb.ny.gov, or by telephone at 1-800-781-2362.

Subdivision (a) of section 441.3 of Title 12 NYCRR is hereby amended to read as follows:

(a) Effective Dates.

(1) New Prescriptions. Six months from the effective date of this Part, every new prescription shall be prescribed and dispensed consistent with the Formulary and this Part regardless of the date of accident or disablement and subject to any required Prior Authorization.

(2) Refill and Renewal Prescriptions. [12 months from the effective date of this Part] *On or after September 13, 2021*, every refill and renewal prescription shall be prescribed and dispensed consistent with the Formulary and this Part regardless of the date of accident or disablement and subject to any required Prior Authorization.

Subdivision (f) of section 441.3 of Title 12 NYCRR is hereby amended to read as follows:

(f) Notice. [Within six months of the effective date of this Part] T[t]he

insurance carrier or self-insured employer shall identify all claimants with current prescriptions for Non-Formulary drugs and provide written notification to the claimant and to the prescribing medical provider. Notice to the prescribing medical provider and to the claimant shall be in the format prescribed by the Chair.

Subdivision (d) of section 441.5 of Title 12 NYCRR is hereby amended to read as follows:

(d) Insurance carriers and self-insured employers shall provide two levels of review as the Prior Authorization process. When a request for Prior authorization is approved or partially approved, the carrier may not thereafter deny payment for the approved medication as set forth in section 440.5 of this Title. The Prior Authorization process replaces the process set forth in section 324.3 of this Chapter (the variance process) for Non-Formulary drugs.

(1) First level review. To initiate the Prior Authorization process, the medical provider shall submit a request for Prior Authorization to the insurance carrier, self-insured employer, or when designated by section 440.3 of this Subchapter, the pharmacy network, to the designated contact for First level review as described in subdivision (c) of this section. Such request shall be submitted in the manner prescribed by the Chair.

(2) A Prior Authorization request for a Non-Formulary drug may include the requested length of time that the Prior Authorization will remain in effect or the quantity prescribed and the number of refills. In no event may a Prior Authorization request exceed 365 days. If the requested length of time for the Prior Authorization is not stated, the default shall be 30 days.

(3) The carrier, self-insured employer, or pharmacy benefits manager shall approve, partially approve or deny a Prior Authorization request within four calendar days of submission by a provider.

(i) A partial approval authorizes the requested drug but limits the length of time, quantity prescribed or number of refills from that requested by the medical provider.

(ii) A request for Prior Authorization that is not responded to within four calendar days (by an approval, denial or partial approval) may be approved for the period requested upon issuance of an Order of the Chair. A carrier may not object to payment in accordance with section 440.5 of this Title for Non-Formulary drugs approved by an Order of the Chair and any such objection or non-payment may be subject to penalties pursuant to section 114-a(3) of the Workers' Compensation Law.

(4) A partial approval or denial of a request for Prior Authorization must:

(i) Provide a specific reason for the denial or partial approval with reference to the specific Prior Authorization request made by the medical provider.

(ii) Provide information regarding how to request review of the denial from the Carrier's Physician.

(5) A first level review of a prior authorization request for medical marijuana must be conducted in conformity with New York State law regarding medical marijuana. Elements that must be included in a prior authorization request for medical marijuana include:

(i) serious life-threatening condition, and associated condition, as defined by New York State Public Health Law;

(ii) compensable work-related condition;

(iii) indication that claimant has been certified by New York State Department of Health to receive medical marijuana;

(iv) description of other treatments that have been tried and have not yielded results; and

(v) expected functional improvement from medical marijuana

Final rule as compared with last published rule: Nonsubstantial changes were made in Part 441.

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

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis and Rural Area Flexibility Analysis are not required because the changes to the last published rule do not affect the meaning of any statements in the document.

Revised Job Impact Statement

A Job Impact Statement is not required because the proposed amendments will not have any impact on jobs or employment opportunities. The proposal amends the prior authorization process to include medical marijuana and update the drug formulary itself. These proposed changes will not affect jobs or employment opportunities in any manner.

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 two written comments.

One comment expressed concern about several opioids, including buprenorphine and pain relief and medication assisted treatment, and consistency with the medical treatment guidelines (MTGs). The comment expressed similar concerns about fentanyl patches and methadone. The Drug Formulary is not intended to replace the applicable Medical Treatment Guidelines. Rather, the Drug Formulary is intended to be used in conjunction with the Medical Treatment Guidelines, and the user is expected to have a thorough understanding of both. In this context, the application of the Drug Formulary is predicated on the prescriber correctly applying the relevant Medical Treatment Guideline. To that end, the sections of the Formulary and MTGs that have been cited by the commenter are, in fact, consistent, so no change has been made in response to this comment.

The comment also requested clarification about the proposal not containing information on use of opioids in connection with traumatic brain injuries. The Traumatic Brain Injury (TBI) Medical Treatment Guideline (MTG) has not been released for public comment at the time of this public comment and response related to the Drug Formulary, so no change has been made in response to this comment. As the Drug Formulary becomes more expansive, both in the number of conditions that it includes, as well as the number of medications for those conditions, the Board feels that it would be prudent to provide additional guidance to complement the MTGs, including but not necessarily limited to Drug Formulary designations of “3rd-line” and “4th-line”, in those instances where the MTGs clearly indicate that there are 1st, 2nd, or perhaps even 3rd line medications that are clinically preferable. There is not presently a MTG for TBI, but as noted elsewhere, one is forthcoming.

Both comments opined that Phase B placement of testosterone is not appropriate, because treatment of hypogonadism resulting from opioid utilization should be part of the prior authorization process. The second comment requested that testosterone not be included in the formulary at all. This comment is an incorrect interpretation of the Formulary, so no change has been made in response to these comments.

The comment also expressed concern about alprazolam in Phase B, and that without limitation on use of sustained-release alprazolam, “XR” products may be utilized inappropriately in Phase A. The Drug Formulary is not intended to replace the applicable Medical Treatment Guidelines. Rather, the Drug Formulary is intended to be used in conjunction with the Medical Treatment Guidelines, and the user is expected to have a thorough understanding of both. In this context, the application of the Drug Formulary is predicated on the prescriber correctly applying the relevant Medical Treatment Guideline. The MTGs have multiple caveats related to polypharmacy, as well as specific warnings related to co-prescribing of opioids and benzodiazepines. To that end, the sections of the Formulary and MTGs that have been cited by the commenter are, in fact, consistent, so no change is required to the proposal.

The comment also expressed concern about the addition of antidepressants to Phase A. The Drug Formulary is not intended to replace the applicable Medical Treatment Guidelines. Rather, the Drug Formulary is intended to be used in conjunction with the Medical Treatment Guidelines, and the user is expected to have a thorough understanding of both. In this context, the application of the Drug Formulary is predicated on the prescriber correctly applying the relevant Medical Treatment Guideline. The MTGs have multiple caveats related to polypharmacy, as well as specific warnings related to prescribing of benzodiazepines. The comment also opined that the addition of antidepressants to Phase A is not appropriate because depression may be a preexisting condition. This comment is not related to the clinical content of the Drug Formulary, but rather to the process for determining causal relatedness under the NYS Workers’ Compensation System. Therefore, no change has been made in response to this comment.

The comment requested clarification if there are PTSD and TBI MTGs forthcoming that would provide rationale for some of the inclusions on the proposed formulary, as well as inquiries about Depression MTGs. The Board has not made a change in response to this question, but notes that there is a current PTSD and Depression MTG proposal, and expects a TBI MTG proposal soon.

The comment opined that Desmopressin (DDAVP) should not be included on the Phase B formulary because it is a specific indication only. The Board has not made a change in response to this question, but notes that there is an expected TBI MTG to be proposed soon.

The comment requested clarification for the indication for use of prochlorperazine and promethazine in the treatment of depression. The Board recognizes that the commenter has identified an administrative/typographical error in the Drug Formulary, which has been corrected.

The comment requested clarification whether naproxen can be designated as Special Consideration 3 to exclude sustained-release formula-

tions such as Naprelan. The Board believes that the decision to use short-acting versus long-acting naproxen is based on the provider using clinical judgment in the application of the MTGs on a case-by-case basis and should not be driven solely by a Formulary special consideration. Therefore, no changes have been made to the Formulary in response to this comment.

The comment stated that Fosamprenavir and Stavudine are not recommended by Public Health Guidelines for PEP therapy. The comment addresses one specific clinical scenario, “PEP” or “post-exposure prophylaxis”, such as in the case of contaminated needles. Importantly, the Formulary does contain the U.S. CDC recommended PEP medications. Because the Drug Formulary lists other medications for a wide variety of other clinical scenarios as well, no changes have been made in response to this comment.

The comment requested clarification if they can designate biologicals. Migraine products, and neurostimulants as Special Consideration 4 on Phase B due to place therapy and to ensure the medication is related to the workplace injury. This comment does not address a specific condition and/or medication listed in the Formulary, and the Board believes that the Drug Formulary appropriately addresses the necessary special considerations and dosing for migraine products, as well as that part of the comment is not related to the clinical content of the Drug Formulary, but rather to the process for determining causal relatedness under the NYS Workers’ Compensation System. Therefore, no change has been made in response to this comment.

The comment requested clarification for whether all ophthalmic medications should be on Phase A and B as well as the Eye list. The Board recognizes that the commenter has identified an administrative/typographical error in the Drug Formulary, which has been corrected.

The comments requested a Special Consideration 4 to be added to Levothyroxine to ensure appropriate use. The second comment requested that Levothyroxine not be included in the formulary at all. These comments primarily not related to the clinical content of the Drug Formulary, but rather to the process for determining causal relatedness under the NYS Workers’ Compensation System. The commentary correctly states that these medications are not commonly used for work-related conditions (for which there are currently MTGs). However, it should be noted that the medications in question appear in the Drug Formulary as Phase B medications for Traumatic Brain Injury (TBI) patients, for which an MTG is expected to be proposed soon, so no change has been made in response to these comments.

The second comment expressed concern with the approval of medical marijuana for workers’ compensation claimants because it is still considered illegal under federal law, expressed doubt about whether medical marijuana is appropriate for evidence-based treatment plans, and disagreed with transferring the approval of medical marijuana to the prior approval process. The Board already allows for prior authorization of medical marijuana, and this has been upheld by the courts. Medical marijuana is not included in the Drug Formulary - this proposal simply moves medical marijuana under the formulary prior authorization process to streamline the process, so no change has been made in response to this comment.

Changes made:

- Corrected typographical errors
- Change to remove “yes” designation for prochlorperazine and promethazine to make clear that these medications should only be used in accordance with the applicable MTG
- Changed effective date in section 441.3(a) to 9/13/21
- Stylistic/clarifying changes in the introduction for consistency with other Board documents/trainings, etc. (“partial approval” to “grant in part,” “approval” to “grant,” “first-level” review to “Level 1,” etc. and “accident or injury” to “injury or illness”)

NOTICE OF ADOPTION**Medical Treatment Guidelines****I.D. No.** WCB-15-21-00003-A**Filing No.** 904**Filing Date:** 2021-08-17**Effective Date:** 2021-09-01

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

Action taken: Amendment of section 324.2 of Title 12 NYCRR.

Statutory authority: Workers’ Compensation Law, sections 13, 13-a, 141 and 117

Subject: Medical Treatment Guidelines.

Purpose: To update non-acute pain medical treatment guidelines.

Text of final rule: Paragraph 6 of Subdivision (a) of Section 324.2 of Title 12 NYCRR is hereby amended to read as follows:

(6) for non-acute pain *before November 1, 2021*, the New York Non-Acute Pain Medical Treatment Guidelines, First Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference[.]; *for non-acute pain treatment rendered on or after November 1, 2021*, the New York Non-Acute Pain Medical Treatment Guidelines, Second Edition, March 25, 2021, effective November 1, 2021, which is herein incorporated by reference.

Final rule as compared with last published rule: Nonsubstantial changes were made in section 324.2.

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

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis and Rural Area Flexibility Analysis are not required because the changes to the last published rule do not affect the meaning of any statements in the document.

Revised Job Impact Statement

The proposed rule will not have an adverse impact on jobs. The proposed rule amends Section 324.2 of Part 324 of 12 NYCRR, known as the Medical Treatment Guidelines (Guidelines), to update the non-acute pain Guidelines.

The rule does not eliminate any existing process, procedure, or program, and will not result in an adverse impact on jobs.

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 approximately four unique written comments.

Comments on the proposal generally

One joint comment from two associations supported the proposed updates to these medical treatment guidelines (MTGs). Accordingly, no change has been made in response to these comments.

One comment asked if additional information (a recommendation for radicular pain) should be added to the Neck Injury MTG, similar to the existing statement in the Mid and Low Back Injury MTG. Because the recommendations were already similar in the two MTGs, just with different placements in the two documents, no change has been made in response to this comment.

This comment also requested clarification if carisoprodol should be specified as a "not recommended" agent in the Neck Injury MTG, pointing out the Mid and Low Back Injury MTG excludes it. A clarifying change has been made to the Neck MTG, as it was inadvertently omitted, to make both MTGs consistent.

One comment from an association requested redlined edits in future proposed updates to the MTGs. No change has been made to the proposal in response to this comment, but the Board will keep this in mind for future MTG updates.

Mid and Low Back Injury MTG

One comment pointed out that page 41 of the proposed Mid and Low Back Injury MTGs referenced subacute or nonacute neck pain and asked if it was intended to say "back" rather than "neck." The Board has corrected this typographical error.

One comment from an association requested language be added to section C.1.b. to further clarify the contraindication. The Board added "There are many instances in which a metallic object may be dislodged by the MRI's magnetic field, causing significant harm, or even death" to emphasize that clinical judgment and caution should be exercised on a case-specific basis.

This comment also requested a note be added to section C.2.d. to clarify limitations and complications related to the procedure. The Board has added language addressing this and the risk of complications for lumbar discography.

One comment from a society recommended splitting a sentence in section E.4 into two sentences to clarify the language. The Board has made this change.

The comment also recommended removing "minimally invasive" in section E.8 for clarity. The Board has revised section E.8(11) of the Back MTG to read: "The physician performing the surgery has either completed procedure-specific training or has been granted hospital privileges to perform the specific type(s) of surgery(ies) being contemplated."

Shoulder Injury MTG

Three comments corrected a typographical error in the D.4.d heading. The Board has fixed this error.

One comment requested clarification about what specific classes of medications are included in psychotropics, as antidepressants and anticonvulsants are discussed previously in the guideline as "may be indicated" for treatment of various nerve injuries. The Board has corrected this discrepancy using clarifying language.

One comment from an association recommended removing the sentence "not more than two to three times annually" from sections D.1.e.ii.a., D.2.e.iii, and D.3.e.iv. The Board has incorporated these suggested changes to improve clarity.

One comment from a society recommended adding D.2.d.iii MRI in select patients as clinically indicated. The Board has made this clarifying change.

The comment also recommended adding intra-articular steroid injection to section D.2.e.iii. The Board agrees that this is a good clarifying change and not much clinical difference, so the Board has made this change.

This comment also recommended adding Adhesive Capsulitis/Frozen Shoulder and D.2.f.ii. arthroscopic capsular release with MUA for recalcitrant cases. While the Board understands that there are some rare instances that this treatment would be useful, the prior authorization process is available in the rare circumstances that this treatment is necessary, so no change has been made in response to this comment.

The comment also opined that a clarifying change should be made to section D.3.f. for biceps tenodesis or tenotomy for subluxing and inflammation nor tearing biceps tendon or subluxing biceps tendon with partial or complete subscapularis tearing. The Board has made this clarifying change.

The comment also recommended adding "tenodesis" to section D.11.f.ii, and the Board has added clarifying language to this section.

The comment also opined that biceps tenotomy/tenodesis are reasonable options in section D.11.f.iii. The Board believes this already appears in the MTG, so no change has been made in response to this comment.

Knee Injury MTG

One comment from an association requested clarification if a professional language interpreter provided via phone, such as LanguageLine or similar, would suffice. Section A is not unique to the Knee MTG, but rather is common across all MTGs. The interpreter requirement is not unique to the MTGs or the WC system, but rather is codified elsewhere as a statewide requirement for healthcare providers. Therefore, the Board has elected to not add any additional clarifying language at this time.

The comment also recommended the addition of "or alternate work" in Section A.18. The Board believes that this concept is addressed in Section A.19 which reads in part "For purposes of these guidelines, return to work is defined as any work or duty that the patient is able to perform safely" so no change has been made in response to this comment.

The comment also requested the Board to specify that an FCE may take place over two consecutive days. The general principles in Section A.18 are intended to generally describe the indications, uses and content of an FCE, and not outline specific time/duration requirements, so no change has been made in response to this comment.

This comment also recommended that the Board add recent history of trauma to section B.1.d in the list of red flags. The Board added more examples to the list of red flags for clarity.

The comment also requested that the Board add Lyme serology to section B.3 in the list of laboratory tests, and the Board has added this for clarity in eliminating something like this from consideration.

This comment also requested the Board add several maneuvers as examples used to test for meniscus injuries in section C.6. The Board agrees that this is a good clarifying and educational addition, and has expanded the explanation to include the McMurray, Apley, Steinman and Childress tests.

Neck Injury MTG

One comment from an association requested language to be added to section C.1.b. to further clarify contraindications for MRI. As above, the Board has added clarifying language.

Changes made:

- Changed effective date in text from May 24, 2021 to November 1, 2021
- Clarifying change in the preauthorization section of the MTGs to reference the section of the regulation where the list of Special Services is found

Back MTG

- Page 16: Added language regarding metallic objects and MRIs
- Page 21: Added clarifying language described risk of complications from lumbar discography
- Page 41: corrected typographical error to say "subacute or non-acute back pain"
- Page 55: Added clarifying language to eliminate a run-on sentence: "Lumbar fusion is not recommended for spinal stenosis without spon-

dylolisthesis, instability or surgical instability and facetectomy of > 50% of the facets.”

- Page 59: Added clarifying language for physicians performing surgery under the SI joint fusion section (paragraph 11)

Neck MTG

- Page 16: Added language regarding metallic objects and MRIs
- Page 37: Reference to Carisoprodol not being recommended in order to conform to Back MTG

Knee MTG

- Renumbered table of contents to match page numbers
- Page 13: Added clarifying language for further examples of red flags
- Page 14: added clarifying language for Lyme serology
- Page 29: Added clarifying language with examples of physical examination

- Page 30: Made a formatting change to increase clarity

Shoulder MTG

- Page 18: Added clarifying language surrounding subacromial space injections

- Page 20: Added clarifying language for illustrative purposes for X-ray or MRI

- Page 21, 26: Added clarifying language for injections with steroids

- Page 26: Added examples of operative procedures

- Page 32: corrected a typographical error in the D.4.d heading

- Page 67: Added language clarifying biceps tenotomy/tenodesis

- Page 68: Fixed a typographical error

- Page 71: Added clarifying language regarding psychotropic medications and antidepressants

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Agriculture and Markets, Department of		
AAM-31-21-00014-P	Regulated Commodity Labeling, Packaging and Method of Sale Requirements	WebEx, 518-549-0500, Access: 161 509 994—September 15, 2021, 11:00 a.m.
Environmental Conservation, Department of		
ENV-26-21-00003-P	Product Stewardship and Product Labeling	Electronic webinar—September 8, 2021, 10:00 a.m. and 2:00 p.m. Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 368 by June 30, 2021. The proposed regulations webpage for 6 NYCRR Part 368 may be accessed at: https://www.dec.ny.gov/regulations/proproregulations.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
Labor, Department of		
LAB-34-21-00002-EP	New York Health and Essential Rights Act (NY HERO Act)	Location to be announced on Department of Labor website—November 17, 2021, 10:00 a.m.
Public Service Commission		
PSC-35-21-00004-P	Major Gas Rate Filing	Teleconference—Oct. 27, 2021, 1:00 p.m. and 6:00 p.m. (Public Statement Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 21-G-0394.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

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

AAM-23-21-00001-P 07/07/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards
AAM-31-21-00014-P	..... 09/15/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

*ASA-28-20-00013-RP	..... 10/22/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
*ASA-28-20-00016-RP	..... 10/22/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation
ASA-27-21-00009-P	..... 07/07/22	General provisions applicable to all OASAS programs	To identify those provisions that are required of all OASAS certified, funded or otherwise authorized programs

CHILDREN AND FAMILY SERVICES, OFFICE OF

*CFS-04-20-00009-RP	..... 12/13/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-49-20-00006-EP	..... 12/09/21	Maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days.	Remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs.
CFS-27-21-00001-EP	..... 07/07/22	To clarify the authorization and payment requirements of Part 415; to revise the sliding fee scale for families	To clarify the authorization and payment requirements of Part 415; to revise the sliding fee scale for families

Action Pending Index

NYS Register/September 1, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-27-21-00003-P	07/07/22	For licensed and registered child care programs to comply with the anaphylaxis policy issued by NYS Department of Health	For licensed and registered child care programs to comply with the anaphylaxis policy issued by NYS Department of Health
CFS-31-21-00013-P	08/04/22	Implements statutory requirements pursuant to the Federal Child Care & Development Block Grant Act of 2014 & the NYS 2022 Budget	Implements statutory requirements pursuant to the Federal Child Care & Development Block Grant Act of 2014 & the NYS 2022 Budget
CIVIL SERVICE, DEPARTMENT OF			
*CVS-13-20-00015-P	09/22/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
*CVS-13-20-00016-P	09/22/21	Jurisdictional Classification	To classify positions in the exempt class
*CVS-24-20-00008-P	09/22/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-28-20-00005-P	09/22/21	Jurisdictional Classification	To classify a position in the exempt class
*CVS-32-20-00005-P	09/22/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-10-21-00005-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00005-P	03/31/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00006-P	03/31/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00007-P	03/31/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-21-00008-P	03/31/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-14-21-00001-P	04/07/22	Juneteenth Holiday	To add Juneteenth to the listing of holidays in the Attendance Rules
CVS-14-21-00002-P	04/07/22	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2021
CVS-19-21-00003-P	05/12/22	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-19-21-00004-P	05/12/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-21-00005-P	05/12/22	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-23-21-00006-P	06/09/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-21-00007-P	06/09/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-21-00008-P	06/09/22	Jurisdictional Classification	To delete positions from the exempt class
CVS-23-21-00009-P	06/09/22	Jurisdictional Classification	To classify a subheading and positions in the exempt class
CVS-27-21-00004-P	07/07/22	Jurisdictional Classification	To classify positions in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-27-21-00005-P	07/07/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-27-21-00006-P	07/07/22	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-27-21-00007-P	07/07/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-27-21-00008-P	07/07/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-31-21-00002-P	08/04/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-31-21-00003-P	08/04/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-31-21-00004-P	08/04/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-31-21-00005-P	08/04/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-31-21-00006-P	08/04/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-31-21-00007-P	08/04/22	Jurisdictional Classification	To classify positions in the non-competitive class
COMMISSIONER OF PILOTS, BOARD OF			
COP-24-21-00011-P	exempt	Rate increases for pilot services	To offset costs being incurred by pilots by failure of users to properly assess assistance needed from pilots
CORRECTION, STATE COMMISSION OF			
CMC-34-21-00001-P	08/25/22	Jail staffing requirements	To provide county governments and the City of New York an increased role and flexibility in determining officer staffing levels
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-48-20-00001-P	12/02/21	Employee Training Incentive Program	To update the administrative processes for the ETIP program
EDV-30-21-00002-EP	07/28/22	New York City Musical and Theatrical Production Tax Credit program	To create the administrative processes for the New York City Musical and Theatrical Production Tax Credit program
EDV-32-21-00004-EP	08/11/22	Restaurant Return-to-Work Tax Credit program	To create the administrative processes for the Restaurant Return-to-Work Tax Credit program
EDUCATION DEPARTMENT			
*EDU-17-19-00008-P	09/22/21	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population

Action Pending Index

NYS Register/September 1, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
*EDU-20-20-00008-ERP	11/16/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-08-21-00002-P	02/24/22	The Definition of the Term "University"	To clarify and broaden the definition of the term "university"
EDU-17-21-00011-P	04/28/22	Education Law 310 Appeals to the Commissioner and Initiation Conduct of Proceedings for the Removal of School Officers	To make technical changes and other clarifying amendments to section 310 appeal procedures and requirements
EDU-21-21-00006-P	05/26/22	Civic Readiness Pathway to Graduation and the New York State Seal of Civic Readiness	To establish the civic readiness pathway to graduation and the New York State Seal of Civic Readiness
EDU-21-21-00007-EP	05/26/22	Providing flexibility for hands-only CPR instruction, the NYS Seal of Biliteracy, and health examinations and certificates	To provide regulatory flexibility in response to the COVID-19 crisis
EDU-21-21-00008-P	05/26/22	Requirements for Chiropractic Education Programs and Education Requirements for Licensure as a Chiropractor	To conform the Commissioner's regulations to national education standards for postsecondary education
EDU-21-21-00009-P	05/26/22	School Counselor Bilingual & Supplementary Bilingual Education Extension & Registration Requirements	To create the bilingual education extension, supplementary bilingual education extension, and registration requirements for programs leading to the bilingual education extension for initial and professional school counselor certificates
EDU-21-21-00010-P	05/26/22	Adding the Doctor of Business Administration (D.B.A.) Degree and Master of Theological Studies (M.T.S.) Degree in New York State	To add the D.B.A. degree and M.T.S. degree in New York State
EDU-25-21-00014-P	06/23/22	Permanent School Counselor Certificate Requirements	To allow candidates who have an expired Provisional School Counselor certificate and apply for a Permanent School Counselor certificate prior to February 2, 2023
EDU-25-21-00015-P	06/23/22	Extending the Instructional Hour COVID-19 Waiver to the 2021-22 School Year	To provide additional regulatory flexibility by extending the instructional hour COVID-19 waiver to the 2021-22 school year
EDU-25-21-00016-P	06/23/22	Mandatory Peer Review Program in the Profession of Public Accountancy	To conform to the national peer review program standards to enhance enforcement efforts to help ensure the quality of attest services provided by New York public accounting firms
EDU-25-21-00017-P	06/23/22	Financial Viability, Accountability, and Evaluating Academic Progress in Licensed Private Career Schools & Certified ESL Schools	To establish standards of financial viability, accountability, and evaluating academic progress in licensed private career schools and certified English as a second language schools
EDU-25-21-00018-EP	06/23/22	Permitting the Dignity for All Students Act (DASA) Training to be Provided Entirely Online Due to the COVID-19 Crisis	To permit DASA training to be provided entirely online through December 31, 2021 due to the COVID-19 crisis
EDU-25-21-00019-EP	06/23/22	Two-Step Identification Process for Academic Services (AIS) for Students Who Will Be Enrolled in Grades 3-8 in 2021-22	To provide flexibility for the 2-step AIS identification process for students enrolled in grades 3-8 in the 2021-22 school year

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-30-21-00003-EP	07/28/22	Addressing the COVID-19 crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-30-21-00004-EP	07/28/22	Relates to term limits for members of the advisory committee on long-term clinical clerkships	To make a technical amendment relating to term limits for members of the advisory committee on long-term clinical clerkships
ELECTIONS, STATE BOARD OF			
SBE-33-21-00010-P	08/18/22	Public Campaign Finance Program	Implementation of the Public Campaign Finance Program
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-03-21-00010-P	03/23/22	Application of Site-Specific Criteria to Class I and Class SD Waters	Add site-specific criteria to Class I and SD waters to provide additional water quality protection of the existing best uses
ENV-12-21-00004-P	03/24/22	Public use of Wildlife Management Areas, and areas with special regulations	To ensure that public use of WMAs and other sites does not interfere or conflict with intended purposes of those areas
ENV-16-21-00012-P	04/21/22	Regulations governing whelk management	To protect immature whelk from harvest and establish gear and reporting rules for marine resource protection and public safety
ENV-19-21-00001-P	07/20/22	Set monitoring, operational and reporting requirements for the oil and natural gas sector	Reduce emissions of methane and volatile organic compounds from the oil and natural gas sector
ENV-22-21-00001-EP	06/02/22	Peekamoose Valley Riparian Corridor	Protect public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor
ENV-24-21-00008-P	08/17/22	Petroleum Bulk Storage (PBS)	To amend the PBS regulations, 6 NYCRR Part 613
ENV-24-21-00009-P	08/17/22	Chemical Bulk Storage (CBS)	To repeal existing 6 NYCRR Parts 596, 598, 599 and replace with new Part 598; and amend existing Part 597; for the CBS program
ENV-26-21-00003-P	09/08/22	Product Stewardship and Product Labeling	Expand, strengthen and clarify existing regulations to establish consistency with federal and state requirements
ENV-31-21-00001-EP	08/04/22	Zoar Valley Multiple Use Area including Zoar Valley Unique Area and Onondaga Escarpment Unique Area	To protect public health, safety, general welfare and natural resources on the Zoar Valley MUA/UA and the Onondaga Escarpment UA
ENV-33-21-00004-P	08/18/22	Amendments to permit requirements for trapping fisher and marten in New York State.	To remove the requirement for a special fisher trapping permit, and to simplify marten trapping requirements.
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-25-18-00006-P	..... exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-49-20-00011-P	..... 12/09/21	Credit for Reinsurance	To conform to covered agreements entered into between the US and EU and the US and UK, and implement NAIC models.
DFS-27-21-00018-P	..... 07/07/22	Brokers, Agents and Certain Other Licensees - General	To set forth classes licensees must complete to fulfill part of the 15 hour credit hours required by Ins Law Art. 21
GAMING COMMISSION, NEW YORK STATE			
*SGC-34-20-00009-P	..... 08/26/21	Qualification time in harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-50-20-00007-P	..... 12/16/21	Contactless payment methods for chances in charitable gaming	To promote public health and support of organizations authorized to operate games of chance
SGC-09-21-00014-P	..... 03/03/22	Lasix administrations on race day	To enhance the safety and integrity of pari-mutuel racing
SGC-29-21-00010-P	..... 07/21/22	Amendment of video lottery gaming regulations	To amend the video lottery gaming regulations to reflect amendments to Tax Law 1612
SGC-35-21-00010-P	..... 09/01/22	Mobile sports wagering and sports wagering at gaming facilities.	To regulate and control mobile sports wagering and sports wagering as directed by statute.
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	..... exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-36-19-00006-P	..... 09/22/21	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
*HLT-46-19-00003-P	..... 09/22/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
*HLT-47-19-00008-P	..... 09/22/21	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
*HLT-51-19-00001-P	..... 09/22/21	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
*HLT-04-20-00003-RP	..... 10/22/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
*HLT-11-20-00003-P	..... 09/22/21	Adult Day Health Care (ADHC)	To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program
*HLT-27-20-00006-P	..... 09/22/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
*HLT-28-20-00019-RP	09/22/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP
*HLT-31-20-00012-EP	exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
HLT-38-20-00006-RP	12/22/21	Medicaid Transportation Program	Medicaid payment standards for emergency ambulance providers participating in an Emergency Triage, Treat & Transport (ET3) model
HLT-45-20-00002-RP	11/10/21	Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
HLT-05-21-00011-P	02/03/22	Ingredient Disclosures for Vapor Products and E-Cigarettes	To provide for enhanced public awareness of the chemicals used in vapor products and electronic cigarettes
HLT-09-21-00009-EP	03/03/22	Surrogacy Programs and Assisted Reproduction Service Providers	To license and regulate surrogacy programs
HLT-19-21-00002-EP	05/12/22	Meeting Space in Transitional Adult Homes	Establish criteria for suitable meeting space to ensure privacy in conversations and submit a compliance plan to the Department
HLT-22-21-00003-P	06/02/22	Reducing Biannual Testing of Adult Care Facility Staff	To remove the requirement for biannual testing of adult care workers
HLT-22-21-00004-P	06/02/22	Hospice Residence Rates	To authorize Medicaid rate of payment to increase the Hospice Residence reimbursement rates by 10 percent
HLT-22-21-00005-P	06/02/22	Stroke Services	Amend transition period for existing stroke centers to allow the Dept. to extend the three year transition period, if necessary
HLT-22-21-00009-P	06/02/22	Managed Care Organizations (MCOs)	To maintain the contingent reserve requirement at 7.25% through 2022 applied to Medicaid Managed Care, HIV SNP & HARP programs
HLT-22-21-00010-P	06/02/22	Labeling Requirements Concerning Vent-Free Gas Space Heating Appliances	To adjust the current labeling requirements for unvented gas space heating appliances
HLT-28-21-00018-P	07/14/22	Public Water Systems	To correct typographic & minor technical errors to obtain primacy for the implementation of federal drinking water regulations
HLT-32-21-00001-P	08/11/22	Abortion Services	To protect and promote the health of New Yorkers seeking to access abortion services
HUMAN RIGHTS, DIVISION OF			
HRT-15-21-00005-P	04/14/22	Notice of tenants' rights to reasonable modifications and accommodations for persons with disabilities	To comply with the requirements of Executive Law section 170-d

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-21-21-00002-RP	05/26/22	Records access	To update regulations governing records access
LABOR, DEPARTMENT OF			
*LAB-46-19-00004-P	09/22/21	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAB-49-20-00012-P	12/09/21	Sick Leave Requirements	To provide definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law
LAB-05-21-00003-EP	02/03/22	Unemployment Insurance (UI) definition of "day of total unemployment"	To prevent an additional financial burden on UI claimants seeking part-time work opportunities and help employers obtain talent
LAB-34-21-00002-EP	11/17/22	New York Health and Essential Rights Act (NY HERO Act)	Airborne Infectious Disease Exposure Prevention Standard
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
*LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
LPA-37-20-00013-EP	exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LONG ISLAND RAILROAD COMPANY			
LIR-39-20-00005-ERP	..... 09/30/21	Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road	To safeguard the public health and safety on terminals, stations and trains operated by Long Island Rail Road
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
MBA-39-20-00007-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
MENTAL HEALTH, OFFICE OF			
OMH-09-21-00001-EP	..... 03/03/22	Redesigning Residential Treatment Facilities (RTF)	To provide clarity and provide uniformity relating to RTF's and to implement Chapter 58 of the Laws of 2020
OMH-20-21-00006-P	..... 05/19/22	Establishment of Youth Assertive Community Treatment (ACT)	To include children in the populations eligible to receive ACT and other conforming changes
OMH-33-21-00005-P	..... 08/18/22	Establishes Crisis Stabilization Centers.	To establish standards for a Crisis Stabilization Center which provides a full range of psychiatric and substance use services.
METRO-NORTH COMMUTER RAILROAD			
MCR-39-20-00004-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad	To safeguard the public health and safety by amending the rules to require use of masks when using Metro-North facilities
METROPOLITAN TRANSPORTATION AGENCY			
MTA-39-20-00009-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company	To safeguard the public health and safety by amending rules to require use of masks when using MTA Bus facilities and conveyance
MTA-16-21-00004-EP	..... 04/21/22	Requiring mask wearing when using the facilities and conveyances of the MTA and its operating affiliates and subsidiaries	To safeguard the public health and safety by adding a new all-agency rule requiring the use of masks in facilities and conveyances
MOTOR VEHICLES, DEPARTMENT OF			
MTV-26-21-00002-P	..... 06/30/22	Relicensing after revocation	Conforms regulation with Departmental longstanding practice of not issuing a proposed denial of license applications
NEW YORK CITY TRANSIT AUTHORITY			
NTA-39-20-00006-EP 09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-31-21-00012-P	..... 08/04/22	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.	To amend Procurement Guidelines to reflect changes in law, clarifying provisions and change in signing authority level
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-27-21-00017-P	..... exempt	Rates for the Sale of Power and Energy	To maintain the system's integrity. This increase in rates is not the result of an Authority rate increase to the Village
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications

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PUBLIC SERVICE COMMISSION			
*PSC-18-10-00009-P exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York

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PUBLIC SERVICE COMMISSION			
*PSC-43-10-00016-P exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures

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PUBLIC SERVICE COMMISSION			
*PSC-38-11-00003-P exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality

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PUBLIC SERVICE COMMISSION			
*PSC-08-13-00012-P exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspirtly for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-20-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
*PSC-23-20-00008-P	..... exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-40-20-00004-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-20-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-42-20-00006-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$41.8 million (or 9.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.
PSC-42-20-00009-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$100.4 million (or 3.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-43-20-00003-P	..... exempt	The use of \$50 million to support residential and commercial customers experiencing financial hardship	To consider whether the proposed support of ratepayers is in the public interest
PSC-44-20-00007-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 90.5 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 90.5 MW electric generating facility.
PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-45-20-00004-P	..... exempt	Major gas rate filing	To consider an increase in Central Hudson's gas delivery revenues
PSC-45-20-00005-P	..... exempt	Major electric rate filing	To consider an increase in Central Hudson's electric delivery revenues
PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service.	To determine if approving the DPS Staff's recommendations is in the public interest.
PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.
PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-51-20-00007-P	..... exempt	Whitepaper on the ACOS method used by utilities in developing Standby and Buyback Service rates.	To standardize the utility ACOS methods and resulting rates, and to enable stand-alone energy storage systems.
PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers.
PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
PSC-52-20-00002-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-52-20-00004-P	..... exempt	Use of pipeline refund.	To consider how a pipeline refund of \$2.26 million will be utilized by National Fuel.
PSC-52-20-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers.
PSC-01-21-00006-P	..... exempt	A debt financing arrangement with respect to an electric transmission line under development.	To review the proposed financing and consider whether it is within the public interest.
PSC-02-21-00006-P	..... exempt	Disposition of a sales tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-03-21-00006-P	..... exempt	Comprehensive study to identify distribution and transmission investments in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the State's climate goals.
PSC-04-21-00016-P	..... exempt	Request for a waiver.	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement.
PSC-04-21-00017-P	..... exempt	Funding and management of the the Clean Energy Fund portfolio.	To review NYSERDA's proposed modifications to the Clean Energy Fund portfolio and determine whether the changes are acceptable.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-05-21-00005-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 100 MW electric generating facility.
PSC-06-21-00009-P	..... exempt	Disposition of a property tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-06-21-00011-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-21-00007-P	..... exempt	Conditioned pre-approval of stock transactions of regulated entities.	To consider allowing stock transactions within statutory parameters without Commission approval for individual transactions.
PSC-08-21-00003-P	..... exempt	Utility-owned ESR participation in the New York Independent System Operator, Inc. (NYISO) administered wholesale markets.	To consider if National Grid should use a ESR in NYISO markets, and whether any conditions are appropriate for such use.
PSC-09-21-00002-P	..... exempt	Gas moratorium procedures	To consider procedures and criteria to minimize customer hardships in the unlikely event of a future gas moratorium
PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00006-P	..... exempt	Long-term gas system planning.	To consider a process to review gas distribution utilities' long-term system planning.
PSC-10-21-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-11-21-00003-P	..... exempt	NYSEG and RG&E's petition for a waiver of its customer service quality performance.	To determine if NYSEG and RG&E's petition for waiver is in the public interest.
PSC-12-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-12-21-00009-P	..... exempt	Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.
PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding.	To ensure the appropriate use of funding reserved for gas safety programs.
PSC-13-21-00019-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00020-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00021-P	..... exempt	Headroom analyses of local transmission and distribution system to support additional renewable energy generation.	To support distribution and local transmission investments necessary to achieve the the State's climate goals.
PSC-13-21-00023-P	..... exempt	Petition for the use of steam metering equipment.	To ensure that consumer bills are based on accurate measurements of steam usage.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-14-21-00003-P	..... 04/07/22	More specific requirements for Operator Qualification to work on pipelines. Allows applications for "special permits."	To make the provision of natural gas service safer in New York State with better qualified pipeline workers.
PSC-15-21-00006-P	..... exempt	Proposed sale of the Company's stock to the Buyers.	To determine if sale of the Company's stock to the Buyers is in the public interest.
PSC-15-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime.
PSC-15-21-00009-P	..... exempt	Proposed filing to account for the acquisition of DTI by EGTS.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-21-00010-P	..... exempt	Proposed filing to account for the acquisition of DTI by EGTS.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-16-21-00006-P	..... exempt	The appropriate level of community credit capacity for distributed energy generation projects in the territory.	Consideration of an increase in the community credit capacity for distributed generation projects in the territory.
PSC-16-21-00007-P	..... exempt	Accounting-related rules for utilities implementing the Integrated Energy Data Resource.	To consider cost recovery of capital expenditures and budget allocations of costs between affiliated companies.
PSC-16-21-00010-P	..... exempt	Petition to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-17-21-00003-P	..... exempt	Notice of intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-17-21-00004-P	..... exempt	Waiver of tariff rules.	To consider whether a waiver of tariff rules is just and reasonable and in the public interest.
PSC-17-21-00005-P	..... exempt	Submetering equipment.	To consider use of submetering equipment and if it is in the public interest.
PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation.	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation.
PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities.	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities.
PSC-17-21-00008-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, refinancing of maturing debt.
PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs.	To modify and improve Community Choice Aggregation programs in New York State.
PSC-18-21-00005-P	..... exempt	Proposed transfer of the Company's capital stock to the Purchaser.	To determine if transfer of the Company's capital stock to the Purchaser is in the public interest.
PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products.	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits.	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers.
PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG).	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program.
PSC-19-21-00009-P	..... exempt	Major electric rate filing.	To consider an increase in O&R's electric delivery revenues.
PSC-19-21-00012-P	..... exempt	Major gas rate filing.	To consider an increase in O&R's gas delivery revenues.
PSC-19-21-00013-P	..... exempt	The proposed transfer of ownership interests and debt financing arrangement related to certain electric generating facilities.	To determine whether the proposed transfer of ownership interests and financing arrangement are in the public interest.
PSC-20-21-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility.	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest.
PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-21-21-00013-P	..... exempt	The Competitive Tier 2 program adopted in the Commission's Order Adopting Modifications to the Clean Energy Standard.	To determine the process for the resale of environmental attributes procured under the Competitive Tier 2 program.
PSC-21-21-00014-P	..... exempt	Transfer of excess development rights associated with utility property.	To determine whether to authorize the transfer of excess development rights associated with utility property.
PSC-21-21-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00016-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00017-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-21-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-22-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 7.6 mile, 13 kV AC electric cable.
PSC-22-21-00008-P	..... exempt	Cost allocation for project(s) to meet a Public Policy Transmission Need/Public Policy Requirement.	To address the cost allocation methodology for use by the New York Independent System Operator, Inc. (NYISO).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-21-00002-P	..... exempt	Waiver for allocation of natural gas to commercial and industrial economic development customers.	To provide commercial and industrial economic development customers access to natural gas.
PSC-23-21-00003-P	..... exempt	Petitions for rehearing of the Order Adopting a Data Access Framework and Establishing Further Process.	To consider modifications and/or clarifications to the Order Adopting a Data Access Framework and Establishing Further Process.
PSC-23-21-00004-P	..... exempt	Establishing an alternative recovery mechanism for certain types of fees.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-23-21-00005-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, refinancing of maturing debt.
PSC-23-21-00010-P	..... 06/09/22	Technical amendments of state regulations and administrative corrections.	To make the provisions of natural gas service safer in New York State.
PSC-24-21-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-21-00004-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-25-21-00005-P	..... exempt	Transfer of Penelec assets and franchise rights.	To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest.
PSC-25-21-00006-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Newfield.
PSC-25-21-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-25-21-00008-P	..... exempt	NYSERDA and National Grid's proposed Expanded Solar For All Program for low-income customers.	To consider the authorization and appropriate design of an opt-out community solar program for low-income customers.
PSC-25-21-00009-P	..... exempt	Hydroelectric facility located in Carthage, New York.	To promote and maintain renewable electric energy resources.
PSC-25-21-00010-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-21-00011-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-25-21-00012-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-25-21-00013-P	..... exempt	Negative revenue adjustments for gas main replacements targets in 2020.	To promote and ensure safety and reliability enhancements for utility infrastructure replacement.
PSC-26-21-00004-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-26-21-00005-P	..... exempt	Proposed revisions to tariff schedule.	To consider tariff revisions to cancel leaves associated with the Energy Smart Community Rate Pilot.
PSC-26-21-00006-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street of lighting facilities and the proper accounting for the transaction.
PSC-26-21-00007-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-26-21-00008-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street of lighting facilities and the proper accounting for the transaction.
PSC-26-21-00009-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street of lighting facilities and the proper accounting for the transaction.
PSC-26-21-00010-P	..... exempt	Proposed acquisition of all shares of common stock of Corning Natural Gas Holding Corporation by ACP Crotona Corp.	To consider whether the acquisition of all shares of common stock of CNGH by ACP Crotona Corp. is in the public interest.
PSC-26-21-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-26-21-00012-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.	To consider whether the proposed service agreement and requested waivers of Commission rules are in the public interest.
PSC-26-21-00013-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street of lighting facilities and the proper accounting for the transaction.
PSC-27-21-00010-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-27-21-00011-P	..... exempt	The prohibition on ESCO service to low-income customers.	To consider whether NOCO Electric, LLC and NOCO Natural Gas, LLC should be granted a waiver to serve low-income customers.
PSC-27-21-00012-P	..... exempt	Waiver request to reset NUG Rider rate on one day's notice.	To determine whether NUG Rider rates should be reset on one day's notice.
PSC-27-21-00013-P	..... exempt	Support for a hydroelectric facility located in Black Brook, New York.	To consider financial support to promote and maintain an existing renewable electric energy resource.
PSC-27-21-00014-P	..... exempt	PSC Regulation 16 NYCRR 86.3(a)(1), (a)(2), (b)(2), 86.4(b), 88.4(a)(4) and 85-2.3(c).	To consider the applicants requests relating to the content of their application for transmission line siting.
PSC-27-21-00015-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Lockport.
PSC-28-21-00011-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Ithaca.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-28-21-00012-P	..... exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY.	To address the proposed transfer and any matters within the public interest.
PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics.	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits.
PSC-28-21-00014-P	..... exempt	Proposed agreement for the provision of water service.	To consider whether a proposed service agreement and requested waivers of Commission rules are in the public interest.
PSC-28-21-00015-P	..... exempt	Proposals for active and passive managed charging programs for mass market EV customers.	To shift EV charging to moderate grid impacts and customer costs.
PSC-28-21-00016-P	..... exempt	Transfer of Suez Water New York Inc.'s parent company to Veolia Environment S.A.	To determine if the proposed transfer is the public interest.
PSC-29-21-00003-P	..... exempt	Proposed revisions to the Companies firm demand response programs for the 2021 - 2022 winter season.	To determine whether to authorize the Companies' proposed firm gas demand response programs and associated tariff leaves.
PSC-29-21-00004-P	..... exempt	Exemptions from utility standby rates for efficient combined heat and power projects.	To determine whether utility standby rate exemptions should be continued.
PSC-29-21-00005-P	..... exempt	Use of pipeline refund.	To consider how a pipeline refund of \$2.26 million will be utilized by National Fuel.
PSC-29-21-00006-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Horseheads.
PSC-29-21-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-29-21-00008-P	..... exempt	Proposed agreement for provision of service by Saratoga Water Services, Inc.	To consider whether a proposed service agreement and requested waivers of Commission rules are in the public interest.
PSC-29-21-00009-P	..... exempt	Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies.	To study the efficacy of using AMI to disconnect electric service during gas system emergencies.
PSC-30-21-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-30-21-00006-P	..... exempt	NYSERDA proposal regarding Clean Energy Standard backstop collection processes.	To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard.
PSC-30-21-00007-P	..... exempt	Submetering of electricity and waiver requests.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-30-21-00008-P	..... exempt	Adjustments to the the Daily Delivery Service Program.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-30-21-00009-P	..... exempt	Submetering of electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-30-21-00010-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-31-21-00008-P	..... exempt	Issuance of securities and other forms of indebtedness.	To consider Central Hudson's request to issue and sell unsecured debt obligations
PSC-31-21-00009-P	..... exempt	Waiver of certain rules, i.e., cable television advisory committee, public notice of request for proposals.	To determine whether to waive any rules and regulations.
PSC-31-21-00010-P	..... exempt	Establishment of the regulatory regime applicable to a solar electric generating facility and energy storage.	To ensure appropriate regulation of a new electric corporation.
PSC-31-21-00011-P	..... exempt	Establishment of the regulatory regime applicable to a solar electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers.	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers.
PSC-32-21-00003-P	..... exempt	Exemptions from utility standby rates for certain designated or environmentally advantageous technologies.	To harmonize standby rate exemptions statewide.
PSC-33-21-00006-P	..... exempt	Proposed rate increase.	To ensure safe and adequate service at just and reasonable rates.
PSC-33-21-00007-P	..... exempt	Acquisition of cable television facilities and franchises of two municipalities.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest.
PSC-33-21-00008-P	..... exempt	Establishment of a Tapping and Connection Fee.	To consider whether the proposed fees are in the public interest.
PSC-33-21-00009-P	..... exempt	Banking of credits and switching between Community Distributed Generation and Remote Crediting projects.	To ensure just and reasonable rates charged to customers.
PSC-34-21-00004-P	..... exempt	CDG subscriber eligibility requirements.	To consider modifications to the CDG program eligibility requirements for certain Standby Service customers.
PSC-34-21-00005-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-21-00006-P	..... exempt	Staff recommendations to address the financial impacts of the COVID-19 pandemic.	To consider measures to provide relief to those financially impacted by the COVID-19 pandemic.
PSC-34-21-00007-P	..... exempt	Authorization to extend the maturity date of certain short-term indebtedness and total debt.	To consider the request for authorization to enter into indebtedness.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-21-00008-P	..... exempt	Issuance of securities and other forms of indebtedness.	To consider the Con Edison's request to issue and sell unsecured debt obligations.
PSC-34-21-00009-P	..... exempt	Authorization to continue the PRIME-WNY.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-34-21-00010-P	..... exempt	Clean Energy Standard Programs.	Continued implementation of the Clean Energy Standard and the Zero Energy Credit Requirements Programs.
PSC-35-21-00002-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-21-00003-P	..... exempt	PSC regulations 16 NYCRR 86.3(a)(2); 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-35-21-00004-P	..... exempt	Major gas rate filing.	To consider a proposed increase in Conring's gas delivery revenues of approximately \$5.8 million (20.4% in total revenues).
PSC-35-21-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-35-21-00006-P	..... exempt	Proposed rate increase.	To ensure safe and adequate service at just and reasonable rates.
PSC-35-21-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-21-00008-P	..... exempt	Tariff filing to allow eligible CHP Customers to provide export support to their other service connections.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators in New York State.
STATE, DEPARTMENT OF			
DOS-05-21-00013-RP	..... 02/03/22	Requirements and procedures related to filing, review and publication of financial reports filed with the Department of State	To provide procedures related to the filing, review and publication of financial reports filed with the Department of State
DOS-19-21-00014-P	..... 07/15/22	Minimum standards for administration and enforcement of the Uniform Code and Energy Code	To revise the minimum standards applicable to a program for administration and enforcement of the Uniform Code and Energy Code
STATE UNIVERSITY OF NEW YORK			
*SUN-53-19-00005-P	..... 09/22/21	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
*SUN-29-20-00004-EP	..... 09/22/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"

Action Pending Index**NYS Register/September 1, 2021**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE UNIVERSITY OF NEW YORK			
*SUN-29-20-00005-EP	09/22/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020
SUN-17-21-00014-EP	04/28/22	Holiday Leave	To designate Juneteenth as a holiday for SUNY employees
SUN-17-21-00015-EP	04/28/22	Appointment of Employees; Eligibility	To allow for the addition of one year to the service limits for faculty hired between May 20, 2020 - June 30, 2021
SUN-20-21-00005-EP	05/19/22	State basic financial assistance for the operating expenses of community colleges under the programs of SUNY and CUNY	To modify limitations formula for basic State financial assistance and establish a funding floor
SUN-24-21-00002-EP	06/16/22	Gender Neutral Bathrooms	To conform with legislation requiring SUNY state-operated campuses to designate all single occupancy bathrooms as gender neutral
SUN-28-21-00010-EP	07/14/22	College Fees	To increase the college fee charged at the four University Centers of SUNY
SUN-28-21-00017-EP	07/14/22	State University of New York Tuition and Fee Schedule	To amend the Tuition and Fees Schedule of the State University of New York effective for the Fall 2021 semester
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
SIR-39-20-00008-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations and trains operated by SIRTOA.	To safeguard the public health and safety by amending rules to require the use of masks when using terminals and stations.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-34-21-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period October 1, 2021 through December 31, 2021
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-26-21-00014-EP	06/30/22	Camp fees	To conform state regulations to statutory requirement effectuated by Chapter 126 of the Laws of 2021, signed by the Governor on June 11, 2021 and effective June 30, 2021, allowing camp fees for children in family assistance or safety net assistance cases
WORKERS' COMPENSATION BOARD			
WCB-42-20-00004-P	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-21-21-00011-P	05/26/22	PFL intermittent leave	To clarify the number of intermittent leave days eligible employees can take

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-26-21-00001-P	..... 06/30/22	Payment of medical bills and disputes	To require all objections to medical bills be made simultaneously and make process more efficient
WCB-28-21-00008-P	..... 07/14/22	DME Fee Schedule	To correct codes ad update DME fee schedule
WCB-28-21-00009-P	..... 07/14/22	Telehealth	Provides the option for telehealth visits in some circumstances

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE EXPANSION JOINTS Empire State Plaza, Albany, Albany County

Sealed bids for Project Nos. 45604-C, 45604-H, 45604-P, and 45604-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Replace Expansion Joints, East & West Arterial Roadways, Empire State Plaza, Empire State Plaza, Albany (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, September 15, 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 \$126,000 for C, \$33,000 for H, \$24,900 for P, and \$18,000 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be \$4,857,000 for C, \$796,000 for H, \$599,000 for P, and \$248,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contract that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862, and John Lewyckyj, Acting Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder

provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

The substantial completion date for this project is 338 days after the Agreement is approved by the Comptroller.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the C trade contractor, 3% for the E trade contractor, 3% for the H trade contractor, and 3% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

By *John D. Lewyckyj, C.S.I., C.D.T., Acting Director*
OGS - Design & Construction Group

**REBUILD/REPLACE
EXISTING SHU WALLS/WINDOWS/FIXTURES**
Woodbourne Correctional Facility
Woodbourne, Sullivan County

Sealed bids for Project Nos. 46111-C, 46111-H, 46111-P and 46111-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Rebuild Existing SHU Walls, Replace Windows & Fixtures, Building No. 4, Woodbourne Correctional Facility, 99 Prison Road, Woodbourne (Sullivan County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, September 15, 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 \$54,000 for C, \$13,700 for H, \$18,400 for P, and \$10,800 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C, between \$100,000 and \$250,000 for H, between \$100,000 and \$250,000 for P, and between \$100,000 and \$250,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

The substantial completion date for this project is 850 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be on August 25th, 2021 at 8:00 a.m., 10:00 a.m. and 1:00 p.m. at 99 Prison Rd., Woodbourne, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Karen Flood (845-434-0214) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work, an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work, an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Plumbing Work and an overall goal of 2% for MWBE participation, 1% for Minority-Owned Business Enterprises ("MBE") participation and 1% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 3% for the E trade contractor, 6% for the H trade contractor, and 6% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an

e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for September 2021 will be conducted on September 8 commencing at 1:00 p.m. and September 15 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at <https://www.cs.ny.gov/commission/>

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. One, Albany, NY 12239, (518) 473-6598

PUBLIC NOTICE

Department of State

Notice of Review of Request for
Brownfield Opportunity Area
Conformance Determination
Project: Elk Street Solar Project
Location: Buffalo River Corridor
Brownfield Opportunity Area
City of Buffalo, Erie County

In accordance with General Municipal Law, Article 18 - C, Section 970-r, the Secretary of State designated the Buffalo River Corridor Brownfield Opportunity Area, in the City of Buffalo, on November 27, 2017. The designation of the Buffalo River Corridor Brownfield Opportunity Area was supported by a Nomination or a comprehensive planning tool that identifies strategies to revitalize the area which is affected by one or more known or suspected brownfield sites.

Pursuant to New York State Tax Law, Article 1, Section 21, the eligible taxpayer(s) of a project site located in a designated Brownfield Opportunity Area may apply for an increase in the allowable tangible

property tax credit component of the brownfield redevelopment tax credit if the Secretary of State determines that the project conforms to the goals and priorities established in the Nomination for a designated Brownfield Opportunity Area.

On February 9th, 2019, Elk Street Solar LLC c/o BQ Energy Development submitted a request for the Secretary of State to determine whether the Elk Street Solar Project, which will be located within the designated Buffalo River Corridor Brownfield Opportunity Area, conform to the goals and priorities identified in the Nomination that was prepared for the designated Buffalo River Corridor Brownfield Opportunity Area.

The public is permitted and encouraged to review and provide comments on the request for conformance. For this purpose, the full application for a conformance determination is available online at: <https://dos.ny.gov/system/files/documents/2021/08/elk-street-solar-boa-conformance-determination-application-2021-0209-signed.pdf>

Comments must be submitted no later than October 1st, 2021, either by mail to: Christopher Bauer, Department of State, Office of Planning and Development, Ellicott Square Bldg., 295 Main Street, 8th Fl., Rm. 821, Buffalo, NY 14203, or by email to: chris.bauer@dos.ny.gov

PUBLIC NOTICE

Department of State

F-2021-0483

Date of Issuance – September 1, 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-2021-0483, The Village of Cape Vincent is proposing to repair the existing Point Street seawall including the use of flowable fill placed into the exposed voids behind the concrete seawall. The project also includes reconstruction of damaged portions of the roadway and adjacent sidewalks as well as the installation of a storm drain system consisting of 8" pipe within the shoulders of Point Street. The new stormwater system will include 11 catch basins and 970 linear feet of pipe. The new stormwater system is proposed to discharge through a new 12" outfall pipe which will extend through and 20' waterward of the Point Street seawall.

The project is located at Point Street in the Village of Cape Vincent, Jefferson County on the St. Lawrence River.

The stated purpose of the proposal is to address damage to the seawall, sidewalks, and roadways caused by flooding at the Point St. seawall, located directly on the St. Lawrence River and eastern end of Lake Ontario. Point St. was inundated, saturating the subbase and weakening the roadway structure. Road traffic then caused damage to the pavement and adjacent sidewalks.

This proposal is part of the New York State Lake Ontario Resiliency & Economic Development Initiative (REDI). REDI is a program created to increase the resilience of shoreline communities and bolster economic development throughout the Lake Ontario and St. Lawrence

River regions of New York State. Additional information about the REDI program including project profiles can be found at: <https://www.governor.ny.gov/programs/lake-ontario-resiliency-and-economic-development-initiative-redi>

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/09/f-2021-0483publicnotice.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 September 16, 2021.

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

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

PUBLIC NOTICE

Department of State
F-2021-0522

Date of Issuance - September 1, 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-2021-0522, Darcy Gazza, is proposing to remove and replace existing catwalk, ramp and float with a 4' x 138' fixed catwalk with open-grate decking, and 3' x 14' timber ramp with open-grate decking, and a 6' x 20' float with open-grate decking. The new dock will extend an additional 30' from the original to reach adequate depths. The project is located at 1500 Beebe Drive, Cutchogue, Suffolk County, Eugene's Creek.

The stated purpose of the proposed action is to allow the homeowner to dock one personal vessel on Eugene's Creek.

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2021-09_f-2021-0522_darcy_gazza.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 October 1, 2021.

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

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

PUBLIC NOTICE

Department of State
F-2021-0553

Date of Issuance - September 1, 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-2021-0553, Roberto Nicolia Jr. is proposing an installation of a 4' x 20' "L" shaped walkway off an existing "T" shaped dock. Installation of a 4-pile lift and 2 mooring piles. Resheet existing pier. Installation of a 125 ft low height retaining wall above spring high water to prevent flooding. The project is located at 141 Wampum Lane, Town of West Islip, Suffolk County, Willets Creek.

The stated purpose of the proposed action is to enhance recreational opportunities at his address.

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2021-09_f-2021-0553_nicolia-jointapplication.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 October 1, 2021.

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

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

PUBLIC NOTICE

Department of State
F-2021-0653

Date of Issuance – September 1, 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-2021-0653, the applicant, the Town of Hempstead, is proposing to install and maintain 500 linear feet of artificial oyster reef sill at the toe of the eroding marsh along the north and south shoreline of Long Meadow Island. This project is located along Long Meadow Island, Town of Hempstead, Nassau County, Reynold's Channel/Hempstead Bay.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/09/f-2021-0653.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Middle Hempstead Bay Significant Fish and Wildlife Habitat: https://dos.ny.gov/system/files/documents/2020/03/middle_hempstead_bay.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 October 1, 2021.

Comments should be addressed to: Department of State, Office of

Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2021-0749

Date of Issuance - September 1, 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-2021-0749 Mikhail and Jennifer Rakhmanine are proposing the removal of an existing timber bulkhead and replacement with 131 linear feet of new vinyl bulkhead in same location and raise height 18 inches above existing elevation. Installation of a 4' x 48' fixed pier with thru-flow decking over wetlands and non-treated timber decking on remainder leading to a 30" x 14' long aluminum ramp and 6' x 20' floating dock with untreated decking supported with 2- 10" diameter piles. Dredging of 35' x 24' down to 36" below mean low water, removing a total of 65 cubic yards will be moved to an approved upland location. The project location is at 695 Bungalow Lane, Town of Southold, Suffolk County, Deep Hole Creek.

The stated purpose of the proposed action is to gain access to waters for boating, fishing and water related activities with proposed dock in addition to stabilizing the shoreline by replacing the bulkhead.

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2021-09_f-2021-0749_rakhmanine_app

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 October 1, 2021.

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

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

PUBLIC NOTICE

Department of State
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.

2021-0399 Matter of Woodhull Expediting, Amy Devito, 1031 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the required ceiling height. Involved is an existing one-family dwelling located at Eight Lake Street, East

Setauket, Town of Brookhaven, NY 11733, County of Suffolk, State of New York.

2021-0400 Matter of Woodhull Expediting, Amy Devito, 1031 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the required ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 15 Laura Lane, East Setauket, Town of Brookhaven, NY 11733, County of Suffolk, State of New York.

2021-0401 Matter of Michelle Krugman, Seven Talisman Drive, Dix Hills, NY 11746, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at Seven Talisman Drive, Dix Hills, Town of Huntington, NY 11746, County of Suffolk, State of New York.

2021-0402 Matter of Sharon O'Brien, 54 Miller Place, Middle Island Road, Mt. Sinai, NY 11766, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 13 Miller Place Yaphank Road, Middle Island, Town of Brookhaven, NY 11953, County of Suffolk, State of New York.

2021-0403 Matter of Estate of Linda E. Petzold, Paul J. Petzold, 924 Harding Street, Bohemia, NY 11716, for a variance concerning safety requirements, including the required ceiling height. Involved is an existing one-family dwelling located at 20 Macon Street, Village of Lindenhurst, NY 11757, County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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

2021-0412 In the matter of Sandor and Lydia Sarus, 207 Jefferson Avenue, Utica, New York 13501, for a variance for multiple New York State Multiple Residence Law violations issues concerning life safety issues at 207 Jefferson Avenue, City of Utica, Oneida County, State of New York.

2021-0413 In the matter of James Blount AIA of Ellenzweig & Boulos Andrew P.C. Architecture, 230 Congress Street, Boston, Massachusetts, 02110, for a variance concerning life safety issues per the Building Code of New York State located at the Plant Science Building, New York State College of Agricultural and Life Sciences at Cornell University, 236 Tower Road, City of Ithaca, Thompsons County, State of New York.

PUBLIC NOTICE

Susquehanna River Basin Commission
Commission Meeting

SUMMARY: The Susquehanna River Basin Commission will conduct its regular business meeting on September 17, 2021, from Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. Also the Commission published a document in the Federal Register on July 19, 2021, concerning its public hearing on August 12, 2021, in Harrisburg, Pennsylvania.

DATES: The meeting will be held on Thursday, September 17, 2021, at 9 a.m.

ADDRESSES: The meeting will be conducted digitally/ telephonically from the Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler,

General Counsel and Secretary to the Commission, telephone: 717-238-0423; fax: 717-238-2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) adoption of proposed rulemaking and three related policies; (2) current expense budget for FY2023; (3) member jurisdictions allocation for 2023; (4) ratification of contracts/grants; (5) emergency certificate extension; and (6) Regulatory Program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the Federal Register after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

Due to the COVID-19 orders, the meeting will be conducted digitally/telephonically and there will be no physical public attendance. The public is invited to attend the Commission's business meeting. You can access the Business Meeting through a computer (Audio and Video) by following the link: <https://srbc.webex.com/srbc/j.php?MTID=m9e8859e3b62c7e3e7d22d751744c4e3b> then enter meeting number 177 753 8259 and password Sept17CommMtg. You may also participant telephonically by dialing 1-877-668-4493 and entering the meeting number 177 753 8259 followed by the # sign.

Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110-1788, or submitted electronically through www.srbc.net/about/meetings-events/business-meeting.html. Such comments are due to the Commission on or before September 15, 2021. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: August 16, 2021

Jason E. Oyler,

General Counsel and Secretary to the Commission

PUBLIC NOTICE

Susquehanna River Basin Commission Grandfathering (GF) Registration Notice

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: July 1-31, 2021.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR part 806, Subpart E:

1. Benton Municipal Water and Sewer Authority – Public Water Supply System, GF Certificate No. GF-202107175, Benton Township, Columbia County, Pa.; Artesian Well No. 1; Issue Date: July 22, 2021.

2. The Procter and Gamble Paper Products Company – Mehoopany Plant, GF Certificate No. GF-202107176, Washington Township, Wyoming County, Pa.; Susquehanna River and Well 4; Issue Date: July 22, 2021.

3. TTGC, Inc. – Tree Top Golf Course, GF Certificate No. GF-202107177, Mount Joy Township, Lancaster County, Pa.; Hole 13 Well, Hole 15 Well, Hole 17 Well, and Hole 5 Pond; Issue Date: July 22, 2021.

4. Jersey Shore Steel Company – Jersey Shore Steel, GF Certificate No. GF-202107178, Pine Creek Township, Clinton County, Pa.; the Well and consumptive use; Issue Date: July 27, 2021.

5. West St. Clair Township-Pleasantville Borough Municipal Authority – Public Water Supply System, GF Certificate No. GF-202107179, West St. Clair Township and Pleasantville Borough, Bedford County, Pa.; Well 001; Issue Date: July 27, 2021.

Dated: August 16, 2021

Jason E. Oyler

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Susquehanna River Basin Commission

Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: July 1-31, 2021

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(e) and 18 CFR § 806.22(f) for the time period specified above:

Water Source Approval – Issued Under 18 CFR 806.22(e):

1. The Hershey Company; Y&S Candies; ABR-202107003, East Hempfield Township, Lancaster County, Pa.; Consumptive use of up to 0.450 mgd; Approval Date: July 20, 2021.

Water Source Approval – Issued Under 18 CFR 806.22(f):

1. Chesapeake Appalachia, L.L.C.; Pad ID: ACW; ABR-201107004.R2; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 14, 2021.

2. Chief Oil & Gas, LLC.; Pad ID: Belawske; ABR-201107002.R2; Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 14, 2021.

3. Chief Oil & Gas, LLC.; Pad ID: Kuziak Drilling Pad #1; ABR-201107028.R2; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 14, 2021.

4. BKV Operating, LLC.; Pad ID: Giangrieco Pad; ABR-201107011.R2; Forest Lake Township, Susquehanna County; Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 14, 2021.

5. Cabot Oil & Gas Corporation; Pad ID: GreenwoodR P2; ABR-201605002.R1; Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 14, 2021.

6. Cabot Oil & Gas Corporation; Pad ID: LopatofskyJ P1; ABR-201105015.R1; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 14, 2021.

7. Seneca Resources Company, LLC; Pad ID: DCNR 007 Pad G; ABR-201605005.R1; Shippen Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 14, 2021.

8. Chesapeake Appalachia, L.L.C.; Pad ID: Burns; ABR-201107038.R2; Ulster Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2021.

9. Chesapeake Appalachia, L.L.C.; Pad ID: Layton; ABR-201107037.R2; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2021.

10. Chesapeake Appalachia, L.L.C.; Pad ID: Oilcan; ABR-201106013.R2; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2021.

11. Chesapeake Appalachia, L.L.C.; Pad ID: SJW; ABR-201107003.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2021.

12. Range Resources – Appalachia LLC; Pad ID: Shipman-Goodwill Unit #1H - #4H Drilling Pad; ABR-201104016.R2; Lewis

Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 15, 2021.

13. Chesapeake Appalachia, L.L.C.; Pad ID: A&M Pad; ABR-202107002; Wilnot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 19, 2021.

14. XTO Energy, Inc.; Pad ID: Buck Unit A; ABR-201107041.R2; Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 21, 2021.

15. Seneca Resources Company, LLC; Pad ID: Gamble Pad R; ABR-201606001.R1; Eldred Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 21, 2021.

16. Seneca Resources Company, LLC; Pad ID: Drake 274; ABR-201106003.R2; Lawrence Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 21, 2021.

17. Range Resources - Appalachia, LLC; Pad ID: Mohawk South Unit Well Pad; ABR-201606002.R1; Gallagher Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 21, 2021.

18. ARD Operating, LLC; Pad ID: Larrys Creek F&G Pad C; ABR-201105014.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 26, 2021.

19. Chesapeake Appalachia, L.L.C.; Pad ID: Fisher; ABR-201107047.R2; Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2021.

20. Chesapeake Appalachia, L.L.C.; Pad ID: Paul; ABR-201107048.R2; Ulster Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2021.

21. Chief Oil & Gas, LLC; Pad ID: Jacobson Unit Pad; ABR-201607002.R1; Franklin Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: July 28, 2021.

22. Chief Oil & Gas, LLC; Pad ID: Hemlock Hunting Club B Drilling Pad #1; ABR-201607001.R1; Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: July 28, 2021.

23. Seneca Resources Company, LLC; Pad ID: D08-M; ABR-201507007.R1; Norwich Township, McKean County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 28, 2021.

24. ARD Operating, LLC; Pad ID: COP Tr 285 Pad C; ABR-201007062.R2; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 28, 2021.

25. ARD Operating, LLC; Pad ID: COP Tr 357 Pad A; ABR-201007075.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 28, 2021.

26. Chief Oil & Gas, LLC; Pad ID: Yonkin B Drilling Pad; ABR-201607003.R1; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: July 29, 2021.

27. Seneca Resources Company, LLC; Pad ID: DCNR 100 Pad E; ABR-201105009.R2; McIntyre Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 29, 2021.

28. Seneca Resources Company, LLC; Pad ID: Sanchis 1129; ABR-201105017.R2; Farmington Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 30, 2021.

29. ARD Operating, LLC; Pad ID: Lycoming H&FC Pad E; ABR-201105013.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 30, 2021.

30. ARD Operating, LLC; Pad ID: COP Tract 728 Pad B; ABR-201106027.R2; Watson Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 30, 2021.

31. ARD Operating, LLC; Pad ID: COP Tract 027B Pad A; ABR-201107030.R2; McHenry Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 30, 2021.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: August 16, 2021

Jason E. Oyler,

General Counsel and Secretary to the Commission.

