
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 November 7, 2021
- the 45-day period expires on October 23, 2021
- the 30-day period expires on October 8, 2021

**KATHY HOCHUL
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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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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RULE MAKING ACTIVITIES

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

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

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

Office of Children and Family Services

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Adopt Provisions and Standards to Operationalize Compliance with the Federal Family First Prevention Services Act

I.D. No. CFS-36-21-00010-EP

Filing No. 941

Filing Date: 2021-08-24

Effective Date: 2021-08-24

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

Proposed Action: Amendment of sections 427.2, 428.3, 441.2, 441.4, 441.21, 441.24, 441.26, 442.17, 442.21, 442.25, 442.26, 447.10, 447.11, 447.21, 448.3, 448.9, 448.12, 449.1, 449.2, 449.3, 449.4, 449.7, 449.8, 628.3; addition of Parts 439, 440, section 448.11; and repeal of section 442.25 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20, 34, 409-h, 462(1)(a); L. 2021, ch. 56, part L, section 17(d)

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

Specific reasons underlying the finding of necessity: The Office of Children and Family Services (Office) finds that immediate adoption of these regulations on an emergency basis are necessary to protect the health, safety and general welfare of children in foster care, to comply with state and federal legislation and to avoid the loss of crucial federal Title IV-E funding to support various child welfare activities in New York State.

Specifically, this rule would adopt provisions and standards necessary to operationalize compliance with the federal Family First Prevention Services Act (FFPSA) enacted as part of the Bipartisan Budget Act of 2018 (P.L. 115-123) and the corresponding state legislation related thereto (Part L of Chapter 56 of the Laws of 2021). Such state and federal legislation require New York to comply with a myriad of provisions regarding foster care services on or before September 29, 2021. In recognition of the need for regulatory changes following the adoption of the state legislation, paragraph (d) of section 17 of Part L of Chapter 56 of the Laws of 2021 specifically authorizes the Office to adopt on an emergency basis, rules and regulations as may be needed for implementation of FFPSA on or before September 29, 2021, such as those contained herein.

Additionally, the federal and corresponding state legislation enacted provisions requiring new types of congregate foster care programs to be operated by voluntary authorized agencies. Specifically, the new types of congregate care foster care programs are qualified residential treatment programs (QRTPs); and QRTP exceptions, which include supervised settings; specialized programs to serve prenatal, postpartum, or parenting youth; and programs for youth who have been or are at risk of sex-trafficking. These regulations, among other things, provide the health, safety, and programmatic standards for prospective QRTP and QRTP exception programs to obtain and maintain operating certificates from the Office as are necessary to provide these types of residential services to children.

Moreover, failure to adopt these regulations on an emergency basis may result in a loss of the ability for New York to receive any federal Title IV-E reimbursement. This funding stream provides approximately \$600 million in federal reimbursement to New York State and local governments (counties and New York City) for eligible child welfare expenditures.

Subject: Adopt provisions and standards to operationalize compliance with the Federal Family First Prevention Services Act.

Purpose: Adopt provisions and standards to operationalize compliance with the Federal Family First Prevention Services Act.

Substance of emergency/proposed rule (Full text is posted at the following State websites: <https://ocfs.ny.gov/main/legal/regulatory/er/> and <https://ocfs.ny.gov/main/legal/Regulatory/pc/>): The proposed amendment of 18 NYCRR 427.2 changes the definition of “foster care” and “residential program” to clarify the new congregate foster care program types are eligible for federal reimbursement. These new program types are qualified residential treatment programs (QRTPs) and three QRTP exceptions: supervised settings; specialized programs to serve prenatal, postpartum, or parenting youth; and programs for youth who have been or are at-risk of sex trafficking. Proposed amendments to this section also change definitions that refer to youth in foster care who are parents and their child(ren), and includes conforming changes related thereto.

The proposed amendment of 18 NYCRR 428.3 adds requirements regarding documentation in the uniform case record of specific information regarding assessments and court findings when placement of a child into a QRTP is contemplated or made on or after September 29, 2021, as are required by state and federal law.

The proposed addition of a new Part 439 to 18 NYCRR establishes the requisite health, safety, and programmatic standards for the issuance of an operating certificate and continued operation of a program as a QRTP. These proposed provisions also add definitions for terms to be used in the Part, and adopt various provisions conforming to, or required by state and/or federal law regarding: the qualified individual; required assessments; special provisions for children who remain in QRTPs for an extended time; after care and discharge planning. These amendments also authorize the Office of Children and Family Services (the Office) to issue waivers of regulatory provisions in this new Part and detail the standards required to request, approve and extend a waiver.

The proposed addition of a new Part 440 to 18 NYCRR establishes the health, safety and programmatic standards for the issuance of an operating certificate, and continued operation of programs for youth who have been

or are at-risk of sex trafficking. These amendments authorize the Office to issue waivers of regulatory provisions in this new Part and detail the standards required to request, approve, and extend a waiver.

The proposed amendment of 18 NYCRR 441.2 adds various new definitions of terms that are used throughout the regulatory package.

The proposed amendment of 18 NYCRR 441.4 clarifies the policies and manuals required to be maintained by voluntary foster care agencies and which are subject to approval by the Office under Article 3 of Volume B of 18 NYCRR.

The proposed amendment of 18 NYCRR 441.21 specifies the case work contact requirements that must be met when a youth in foster care is a parent and is caring for their child while in foster care.

The proposed amendment of 18 NYCRR 441.24 amends the non-discrimination requirements for foster care to be inclusive of family members that may be served by the agency.

The proposed addition of a new 18 NYCRR 441.26 authorizes the Office to issue waivers of regulatory provisions contained in Article 3 of Volume B of 18 NYCRR, and includes the standards for request, approval, and extension of a waiver.

The proposed amendment to 18 NYCRR 442.17 changes the name of "mother and baby facilities" to the gender-neutral term "parenting facilities" (that also encompasses fathers). This proposed amendment makes conforming changes to terms and clarifies requirements regarding health and safety for such programs.

The proposed amendment to 18 NYCRR 442.21 requires that institutional programs licensed by the Office under Part 442 that are serving youth in foster care that are a parent and caring for their child(ren) who are placed with them in the institution, have access to a pediatrician and that the required nursing staff that is trained in CPR also be trained in infant CPR.

The proposed amendment to 18 NYCRR 442.25 repeals the existing provisions that authorize the Office to issue an exception to specified regulatory provisions and replaces such provisions with language that allows the Office to grant, deny or extend a waiver of a regulatory provision contained in 18 NYCRR Part 442.

The proposed addition of a new section 18 NYCRR 442.26 provides health, safety and programmatic standards for the issuance of an operating certificate and continued operation of a program as a specialized program to serve prenatal, postpartum or parenting youth in facilities that are licensed as an institution by the Office in accordance with Part 442.

The proposed amendment to 18 NYCRR 447.2 makes changes regarding the health, safety and programmatic requirements for agency boarding homes licensed by the Office under 18 NYCRR Part 447 regarding when the agency boarding home is providing residential care to youth in foster care that is a parent and caring for their child(ren) who are placed with them in the agency boarding home.

The proposed addition of a new section 18 NYCRR 447.10 provides health, safety and programmatic standards for the issuance of an operating certificate and continued operation of a program as a specialized program to serve prenatal, postpartum or parenting youth in facilities that are licensed as an agency board home by the Office in accordance with Part 447.

The proposed addition of a new section 18 NYCRR 447.11 allows the Office to grant, deny or extend a waiver of a regulatory provision contained in 18 NYCRR Part 447 pertaining to agency boarding homes.

The proposed amendment to 18 NYCRR 448.3 makes changes regarding the health, safety and programmatic requirements for group homes licensed by the Office under 18 NYCRR Part 448 regarding when a group home is caring for youth in foster care that is a parent and caring for their child(ren) who are placed with them in the group home.

The proposed amendments to 18 NYCRR 448.9 extends regulatory requirements for additional safety precautions that group homes must take with children with special needs cared for in the group home to also apply to a child of a youth in foster care who is being cared for in the group home.

The proposed addition of a new section 18 NYCRR 448.11 provides health, safety and programmatic standards for the issuance of an operating certificate and continued operation of a program as a specialized program to serve prenatal, postpartum or parenting youth in facilities that are licensed as a group home by the Office in accordance with Part 448.

The proposed addition of a new section 18 NYCRR 447.12 allows the Office to grant, deny or extend a waiver of a regulatory provision contained in 18 NYCRR Part 447 pertaining to group homes.

The proposed amendment to the name of 18 NYCRR Part 449 expands the coverage of the Part from supervised independent living programs (SILPs) to cover the supervised setting programs that are a QRTP exception and that which include, among other things, SILPs.

The proposed amendments to 18 NYCRR 449.1 amend definitions for supervised settings to include new terms and to clarify that individuals over the age of 18 may be served in a supervised setting program.

The proposed amendments to 18 NYCRR 449.2 clarify the application process and conditions for approval by the Office for a program to operate as a supervised setting.

The proposed amendments to 18 NYCRR 449.3 clarify the conditions for operation of a supervised setting program.

The proposed amendments to 18 NYCRR 449.4 clarify the requirements of this section apply to supervised settings and not just SILPs. Additionally, these amendments provide the staffing and health and safety requirements for supervised settings.

The proposed amendments to 18 NYCRR 449.6 clarify the record keeping requirements for supervised settings.

The proposed amendment to 18 NYCRR 449.7 allows the Office to grant, deny or extend a waiver of a regulatory provision contained in 18 NYCRR Part 449 pertaining to supervised settings.

The proposed amendment to 18 NYCRR 449.8 applies the existing provisions for discontinuance of a SILP by the Office to supervised settings.

The proposed amendment to 18 NYCRR 628.3 authorizes but does not mandate reimbursement to a program for youth who have been or are at risk of sex trafficking that has been approved by the Office pursuant to 18 NYCRR Part 440 for youth who have run away from such program and who have been absent between 7-14 days.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire November 21, 2021.

Text of rule and any required statements and analyses may be obtained from: Frank J. Nuara, Office of Children and Family Services, 52 Washington St., Rensselaer, NY 12144, (914) 589-3096, email: REGCOMMENTS@ocfs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory Authority:

The federal Family First Prevention Services Act (FFPSA) enacted as part of the Bipartisan Budget Act of 2018 (P.L. 115-123) requires states to adopt a myriad of provisions regarding foster care services on or before September 29, 2021.

Part L of Chapter 56 of the Laws of 2021 codified the state statutory requirements necessary for FFPSA compliance. Paragraph (d) of section 17 of such Chapter authorizes the Office of Children and Family Services (the Office) to adopt regulations necessary for FFPSA implementation on an emergency basis.

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

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

Section 371(22) of the SSL, as codified by Part L of Chapter 56 of the Laws of 2021, provides that a new category of qualified residential treatment programs (QRTP) exception known as "supervised settings" shall operate in accordance with regulations adopted by the Office.

Section 409-h of the SSL, as codified by Part L of Chapter 56 of the Laws of 2021 set forth requirements for assessments by a qualified individual when placement of a child into a QRTP is contemplated or made of or after September 29, 2021, including requirements for the assessments and involvement in the assessments by a family and permanency team.

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

2. Legislative Objectives:

Chapter 436 of the Laws of 1997 created the Office to take on the functions, powers, duties and obligations in the SSL concerning foster care, adoption services, adoption assistance, child protective services, preventive services for children and families, services for pregnant adolescents, day services, and other services and programs identified in Article 6 of the SSL regarding the care and protection of children and under the structure and authority of Article 2 of the SSL.

The objective of Part L of Chapter 56 of the Laws of 2021 was for New York State to come into compliance with FFPSA and for children in foster care to be served in the least restrictive setting that may appropriately meet their needs.

This proposed rule would comply with federal statute, allowing localities to retain IV-E funding.

The provisions cited above clearly provide the Office with the authority to create this regulation and to do so on an emergency basis.

3. Needs and Benefits:

This rule would adopt provisions and standards necessary to operationalize compliance with FFPSA and the corresponding state legislation re-

lated thereto (Part L of Chapter 56 of the Laws of 2021), on or before September 29, 2021. Among other things, FFPSA enacted provisions require new types of congregate foster care programs to be operated by voluntary authorized agencies. Specifically, qualified residential treatment programs (QRTPs); and QRTP exceptions, which include supervised settings; specialized programs to serve prenatal, postpartum, or parenting youth; and programs for youth who have been or are at risk of sex-trafficking. Moreover, FFPSA, set forth certain requirements that must be met by states, regarding when placement of a child in foster care is made into a QRTP, including requirements for casework documentation, certain reviews that must be conducted if foster children in certain age groups remain placed in QRTPs for specified extended periods of time (long stayer reviews) and after care services that must be provided.

These regulations, among other things, would adopt robust requirements regarding the health, safety, and programmatic standards for prospective QRTP and QRTP exception programs to obtain and maintain operating certificates from the Office as are necessary to provide these types of residential services to children. These regulations would also put in place measure, consistent with state and federal law, to reduce placement of children in foster care into higher levels of care when it is determined that the needs of the child can appropriately be met in a less-restrictive setting.

Adoption of these regulations are necessary for New York to continue to receive federal Title IV-E reimbursement. Such federal funding stream presently provides reimbursement for various eligible child welfare related expenditures.

4. Costs:

Failure to adopt these regulations may result in a loss of the ability for New York to receive any federal Title IV-E reimbursement. This funding stream provides approximately \$600 million annually in federal reimbursement to New York State and local governments (counties and New York City).

Adoption of requirements tied to state and federal law as contained within these regulations are expected to result in a modest cost to New York State, LDSSs and voluntary authorized agencies. Anticipated costs are expected to be substantially less than the potential for loss of federal reimbursement. New costs are anticipated to be incurred in regard to: assessments required to be conducted by qualified individuals; long stayer reviews; creation of QRTPs and QRTP exceptions; and aftercare. Impact of these costs on the state, LDSSs and voluntary agencies was considered as part of the budget making process for the enacted budget for State Fiscal Year 2022. Funding streams that may be available to support these various new costs include, federal Title IV-E reimbursement; Medicaid reimbursement; foster care block grant; child welfare financing, state general fund (state operations) and local tax levy dollars.

5. Local Government Mandates:

These regulations adopt various federal mandates that local departments of social services (LDSS) must meet in order for New York State and local governments to continue to receive federal Title IV-E reimbursement (approximately \$600 million annually). In accordance with state and federal law, these regulations would adopt mandates for LDSS regarding when placement of a child into a QRTP is contemplated or made on or after September 29, 2021, including requirements regarding: conducting an assessment in accordance with SSL section 409-h; the role of the family and permanency team; case record documentation; long stayer reviews; and after care and discharge planning.

6. Paperwork:

The proposed regulations would require the LDSS to document certain information in the case contact notes related to the formation and involvement of the family and permanency team, for all children placed in a QRTP. Moreover, the proposed regulations require the LDSSs document specified information for "long stayer reviews" where children in foster care remain in QRTPs for extended periods of time.

Among other things, these regulations would establish the requisite health, safety, and programmatic standards for the issuance of an operating certificate or approval for initial and continued operation of a program as a QRTP or QRTP exception including paperwork requirements that voluntary authorized agencies must meet such as maintaining specified policies and manuals and documenting specific information in a case record when a child is placed into a QRTP.

7. Duplication:

The proposed regulations would comply with, but are not duplicative of other state or federal requirements.

8. Alternatives:

No alternative approaches to implementing the changes to regulation were considered as the requirements are mandated by federal and state law.

9. Federal Standards:

The proposed regulations would adopt various federal requirement in FFPSA and are not in conflict with current federal standards.

10. Compliance Schedule:

Compliance with the proposed regulations would begin immediately upon filing with the Department of State.

Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed regulations will affect local departments of social services and the approximately 83 voluntary authorized agencies in New York State.

2. Compliance Requirements:

The federal Family First Prevention Services Act (FFPSA) enacted as part of the Bipartisan Budget Act of 2018 (P.L. 115-123) requires states to adopt a myriad of provisions regarding foster care services on or before September 29, 2021. Among other things, FFPSA enacted provisions requiring new types of congregate foster care programs to be operated by voluntary authorized agencies. Specifically, qualified residential treatment programs (QRTPs); and QRTP exceptions, which include supervised settings; specialized programs to serve prenatal, postpartum, or parenting youth; and programs for youth who have been or are at risk of sex-trafficking. Moreover, FFPSA set forth certain requirements that must be met by states regarding when placement of a child in foster care is made into a QRTP, including requirements for casework documentation, certain reviews that must be conducted if foster children in certain age groups remain placed in QRTPs for specified extended periods of time (long stayer reviews) and after care services that must be provided.

These regulations adopt various federal mandates that local departments of social services (LDSS) and voluntary authorized agencies must meet in order for New York State and local governments to continue to receive federal Title IV-E reimbursement (approximately \$600 million annually).

Specifically, the proposed regulations would require the LDSS to document certain information in the case contact notes related to the formation and involvement of the family and permanency team, for all children placed in a QRTP. Moreover, the proposed regulations require the LDSSs document specified information for long stayer reviews where children in foster care remain in QRTPs for extended periods of time.

Among other things, these regulations would establish the requisite health, safety, and programmatic standards for the issuance of an operating certificate or approval for initial and continued operation of a program as a QRTP or QRTP exception including paperwork requirements that voluntary authorized agencies must meet.

3. Professional Services:

These regulations would establish minimum nursing services that must be available in QRTPs as required by federal law. The regulations would require a licensed clinician to conduct the assessment regarding whether a QRTP placement is appropriate or not.

4. Compliance Costs:

Failure to adopt these regulations may result in a loss of the ability for New York to receive any federal Title IV-E reimbursement. This funding stream provides approximately \$600 million annually in federal reimbursement to New York State and local governments (counties and New York City).

Adoption of requirements tied to state and federal law as contained within these regulations are expected to result in a modest cost to New York State, LDSSs and voluntary authorized agencies. Anticipated costs are expected to be substantially less than the potential for loss of federal reimbursement. New costs are anticipated to be incurred in regard to: assessments required to be conducted by qualified individuals; long stayer reviews; creation of QRTPs and QRTP exceptions; and aftercare. Impact of these costs on the state, LDSSs and voluntary agencies was considered as part of the budget making process for the enacted budget for State Fiscal Year 2022. Funding streams that may be available to support these various new costs include, federal Title IV-E reimbursement; Medicaid reimbursement; foster care block grant; child welfare financing, state general fund (state operations) and local tax levy dollars.

5. Economic and Technological Feasibility:

No economic or technological barriers have been identified that would prohibit implementation of these regulations as written.

6. Minimizing Adverse Impact:

These regulations would adopt federal and state mandated provisions. To minimize adverse impact, provisions allowing programs to request and receive a waiver from regulatory requirements in appropriate circumstances, are being proposed.

7. Small Business and Local Government Participation:

The Office has engaged in a process of receiving extensive and robust feedback on FFPSA implementation. This includes a Statewide Implementation Team (SIT) that involves representation from various voluntary authorized agencies including some that may be considered small businesses. The Office has also put forth a series of webinars and presentations geared to these entities for all areas of the state.

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

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

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposed regulations will affect 44 local departments of social services and the approximately 35 voluntary authorized agencies in rural areas of New York State.

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

The federal Family First Prevention Services Act (FFPSA) enacted as part of the Bipartisan Budget Act of 2018 (P.L. 115-123) requires states to adopt a myriad of provisions regarding foster care services on or before September 29, 2021. Among other things, FFPSA enacted provisions requiring new types of congregate foster care programs to be operated by voluntary authorized agencies. Specifically, qualified residential treatment programs (QRTPs); and QRTP exceptions, which include supervised settings; specialized programs to serve prenatal, postpartum, or parenting youth; and programs for youth who have been or are at risk of sex-trafficking. Moreover, FFPSA set forth certain requirements that must be met by states regarding when placement of a child in foster care is made into a QRTP, including requirements for casework documentation, certain reviews that must be conducted if foster children in certain age groups remain placed in QRTPs for specified extended periods of time (long stayer reviews) and after care services that must be provided.

These regulations adopt various federal mandates that local departments of social services (LDSS) and voluntary authorized agencies must meet in order for New York State and local governments to continue to receive federal Title IV-E reimbursement (approximately \$600 million annually).

Specifically, the proposed regulations would require the LDSS to document certain information in the case contact notes related to the formation and involvement of the family and permanency team, for all children placed in a QRTP. Moreover, the proposed regulations require the LDSSs document specified information for long stayer reviews where children in foster care remain in QRTPs for extended periods of time.

Among other things, these regulations would establish the requisite health, safety, and programmatic standards for the issuance of an operating certificate or approval for initial and continued operation of a program as a QRTP or QRTP exception including paperwork requirements that voluntary authorized agencies must meet.

3. Compliance Costs:

Failure to adopt these regulations may result in a loss of the ability for New York to receive any federal Title IV-E reimbursement. This funding stream provides approximately \$600 million annually in federal reimbursement to New York State and local governments (counties and New York City).

Adoption of requirements tied to state and federal law as contained within these regulations are expected to result in a modest cost to New York State, LDSSs and voluntary authorized agencies. Anticipated costs are expected to be substantially less than the potential for loss of federal reimbursement. New costs are anticipated to be incurred in regard to: assessments required to be conducted by qualified individuals; long stayer reviews; creation of QRTPs and QRTP exceptions; and aftercare. Impact of these costs on the state, LDSSs and voluntary agencies was considered as part of the budget making process for the enacted budget for State Fiscal Year 2022. Funding streams that may be available to support these various new costs include, federal Title IV-E reimbursement; Medicaid reimbursement; foster care block grant; child welfare financing, state general fund (state operations) and local tax levy dollars.

4. Minimizing adverse impact:

These regulations would adopt federal and state mandated provisions. To minimize adverse impact, provisions allowing programs to request and receive a waiver from regulatory requirements in appropriate circumstances, are being proposed.

5. Rural area participation:

The Office has engaged in a process of receiving extensive and robust feedback on FFPSA implementation. This includes a Statewide Implementation Team (SIT) that involves representation from various LDSSs and voluntary authorized agencies in rural areas. The Office has also put forth a series of webinars and presentations geared to these entities for all areas of the state, including rural areas.

Job Impact Statement

The proposed amendments to regulation will not have a negative impact on jobs or employment opportunities in either public or private child welfare agencies. A full job impact statement has not been prepared for the proposed regulations as there should be no resulting loss of jobs.

Department of Economic Development

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Excelsior Jobs Program

I.D. No. EDV-36-21-00001-P

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

Proposed Action: Amendment of Parts 190, 191 and 193 of Title 5 NYCRR.

Statutory authority: Economic Development Law, art. 17; L. 2021, ch. 59

Subject: Excelsior Jobs program.

Purpose: Update regulations to include newly enhanced tax credits for projects including child care services.

Substance of proposed rule (Full text is posted at the following State website: www.esd.ny.gov): The regulation amends 5 NYCRR Parts 190, 191, 192 and 193 as follows:

1) Given the recent statutory change which creates an enhanced credit for businesses operating or sponsoring child care services for their employees while undertaking Excelsior eligible economic development projects, the regulation adds two important definitions -- "child care services" and "net new child care services expenditures."

2) Next, the regulation states that a participant must operate in one of the existing Excelsior eligible strategic industries and operate or sponsor child care services to be eligible for these enhanced benefits. The regulation clarifies that existing Excelsior participants may be able to claim these new benefits if they meet the requisite criteria in the regulation.

The regulation next makes clear that a participant with a project which includes child care services will now be eligible for an enhanced investment tax credit of up to 5% on its child care qualified investments. Additionally, a participant engaging in an Excelsior jobs program project will now be eligible to claim the excelsior child care services tax credit component on its net new child care services expenditures for its operation, sponsorship or direct financial support of a child care services program. The amount of this credit shall be up to 6% of net new child care services expenditures.

3) The regulation also updates cross references throughout the regulations as needed and updates the reporting requirements of the program to include reporting on child care services.

The full text of the regulation is available at the Department's website at www.esd.ny.gov/excelsior-jobs-program.

Text of proposed rule and any required statements and analyses may be obtained from: Thomas Regan, Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5120, email: thomas.regan@esd.ny.gov

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

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

Regulatory Impact Statement

STATUTORY AUTHORITY:

Section 356 of the Economic Development Law authorizes the Commissioner of Economic Development to promulgate regulations to implement the Excelsior Jobs Program.

Chapter 59 of the Laws of 2021 provide the statutory amendments which provide the basis for this regulatory update.

LEGISLATIVE OBJECTIVES:

The rulemaking accords with the public policy objectives the Legislature sought to advance in creating competitive financial incentives for businesses to create jobs and invest in the new economy. The Excelsior Jobs Program is created to support the growth of the State's traditional economic pillars, including the manufacturing and financial industries, and to ensure that New York emerges as the leader in the knowledge, technology and innovation-based economy. The Program encourages the expansion in and relocation to New York of businesses in growth industries such as clean-tech, broadband, information systems, renewable energy and biotechnology.

NEEDS AND BENEFITS:

This rule making updates the regulations for the continued administration of the Excelsior Jobs Program, which is one of the State's key eco-

conomic development tools for ensuring that businesses in the new economy choose to expand or locate in New York State. It is imperative that the administration of this Program continues so that New York remains competitive with other States, regions, and even countries as businesses make their investment and location decisions.

Specifically, to further promote and incentivize the goal of providing child care services during these difficult pandemic times, the rulemaking updates the Excelsior regulations to include two important definitions -- "child care services" and "net new child care services expenditures" and makes it clear that 1) a participant with a new or existing excelsior project which includes child care services will now be eligible for an enhanced investment tax credit of up to 5% on its child care capital expenses; and 2) a participant engaging in a new or existing Excelsior project will now be eligible to claim the child care services tax credit on its net new child care services expenditures for its operation, sponsorship or direct financial support of a child care services program. The amount of this credit shall be up to 6% of net new child care services expenditures.

The regulation also updates cross references throughout the regulations as needed and updates the reporting requirements of the program to include reporting on child care services.

COSTS:

A. Costs to private regulated parties: None. There are no regulated parties in the Excelsior Jobs Program, only voluntary participants.

B. Costs to the agency, the state, and local governments: The Department of Economic Development does not anticipate any significant costs with respect to implementation of this program. There is no additional cost to local governments.

C. Costs to the State government: None. There will be no additional costs to New York State as a result of the rule making.

LOCAL GOVERNMENT MANDATES:

None. There are no mandates on local governments with respect to the Excelsior Jobs Program. This rule does not impose any costs to local governments for administration of the Excelsior Jobs Program.

PAPERWORK:

The rule requires businesses choosing to participate in the Excelsior Jobs Program to establish and maintain complete and accurate books relating to their participation in the Excelsior Jobs Program for a period of three years beyond their participation in the Program. However, this requirement does not impose significant additional paperwork burdens on businesses choosing to participate in the Program but instead simply requires that information currently established and maintained be shared with the Department in order to verify that the business has met its job creation and investment commitments.

DUPLICATION:

The rule does not duplicate any state or federal statutes or regulations.

ALTERNATIVES:

No alternatives were considered with regard to amending the regulations in response to statutory revisions.

FEDERAL STANDARDS:

There are no federal standards in regard to the Excelsior Jobs Program. Therefore, the rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

The period of time the state needs to assure compliance is negligible, and the Department of Economic Development expects to be compliant upon publication of the Notice of Adoption.

Regulatory Flexibility Analysis

The Excelsior Jobs Program is a statewide tax credit program. Although there are small businesses in New York State that are eligible to participate in the program, participation by the businesses is entirely at their discretion. The proposed rule will not have a substantial adverse economic impact on small businesses and local governments. On the contrary, because the rule updates a tax credit program designed to attract business and jobs to New York State, it will have a positive economic impact on the State. Accordingly, a regulatory flexibility analysis for small business and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

The Excelsior Jobs Program is a statewide business assistance program. Strategic businesses in rural areas of New York State are eligible to apply to participate in the program entirely at their discretion. Municipalities are not eligible to participate in the Program. The rule does not impose any special reporting, recordkeeping or other compliance requirements on private entities in rural areas. Therefore, the rule will not have a substantial adverse economic impact on rural areas nor on the reporting, recordkeeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The rule relates to the Excelsior Jobs Program. The Excelsior Jobs Program will enable New York State to provide financial incentives to

businesses in strategic industries that commit to create new jobs and/or to make significant capital investment. The rule updates the regulations and provides new definitions for this program. This program, given its design and purpose, will have a substantial positive impact on job creation and employment opportunities. Accordingly, a job impact statement is not required, and one has not been prepared.

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Employee Training Incentive Program

I.D. No. EDV-48-20-00001-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 250 to Title 5 NYCRR.

Statutory authority: L. 2015, ch. 59, part O, section 1; L. 2019, ch. 29, part B

Subject: Employee Training Incentive Program.

Purpose: To update the administrative process for the ETIP program.

Substance of revised rule (Full text is posted at the following State website: www.esd.ny.gov): The revised regulation contained in 5 NYCRR Part 250, which governs the employee training incentive program, is amended as follows:

The revised regulation now defines three new terms added in statute, "eligible training costs": "software development," and "clean energy" and updates the definition of stipend. The definitions of "eligible training costs" and "stipend" are updated to allow necessary travel and child care costs as part of the credit.

The revised regulation makes clear that eligible internship programs now include those in software development and clean energy as well as those in life sciences and advanced technology and that a business utilizing the internship component of this program will no longer have to demonstrate that its interns make up less than 50% of its workforce

The revised regulation clarifies that in order to be eligible for the program a business entity must demonstrate that it is either conducting the training itself or having a third-party provider conduct it. The regulation also makes clear that significant capital investment now has to be "related to" the training, not "in connection with." It also adds, for clarity's sake, a section setting forth the calculation of the credit which parallels the statutory calculation.

Finally, the revised regulation requires a business entity participating in the program to fill out a post project survey for information tracking purposes.

Revised rule compared with proposed rule: Substantial revisions were made in sections 250.2(n), (x), 250.5, 250.7(a)(1) and 250.8.

Text of revised proposed rule and any required statements and analyses may be obtained from Thomas Regan, NYS Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5120, email: thomas.regan@esd.ny.gov

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

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

Revised Regulatory Impact Statement

STATUTORY AUTHORITY:

Section 1 of Part O of Chapter 59 of the Laws of 2015 required the Commissioner of the Department of Economic Development (the "Department") to promulgate regulations establishing the application process for the Employee Training Incentive Program ("ETIP"). These procedures included the process for applying for tax credits under ETIP, standards for the assessment of applications, and other provisions deemed necessary and appropriate. Part B of Chapter 59 of the Laws of 2019 amended certain aspects of the program which, in turn, are being captured by this rulemaking along with certain other revisions described below.

LEGISLATIVE OBJECTIVES:

The revised rule gives effect to the intention of the legislature in adopting ETIP to encourage employers in strategic industries, characterized by technological disruption and a shortage of potential employees within New York State, to develop talent in New York State through eligible training and internship programs rather than relocating to other regions to secure skilled employees.

NEEDS AND BENEFITS:

The rulemaking is necessary in order to update the existing regulations which govern the program so that they will now conform to recent statutory changes made by the Legislature.

New York suffers from a skills gap in its workforce, resulting in

thousands of job vacancies that employers are unable to fill due to a shortage of qualified workers. Without action on the part of the state, employers in industries subject to such shortages of skilled workers may relocate outside of New York in order to retain adequate numbers of skilled employees. This problem is made more acute by the action of other states in the region to create programs to cultivate pools of skilled labor, creating an incentive for employers in New York to relocate jobs outside of the state. To address this problem, ETIP provides tax credit incentives to business entities that conduct or procure eligible training or provide eligible internship programs in advanced technology, life sciences, software development or clean energy.

Business applicants to the program must first establish that they are engaged in a strategic industry, as evidenced by factors such as shortages of skilled employees and technological disruption in the industry. Furthermore, such applicants must demonstrate, among other things, that they themselves will be providing or they will be procuring eligible training from an approved provider or providing an eligible internship program in advanced technology, life sciences, software development or clean energy.

The revised rule updates the administrative aspects of the program to allow for the business entities themselves to receive the tax credit when they provide for such training in house in addition to when they utilize a third party. In addition, it extends the eligible sectors for internship programs under this program to include software development and clean energy internships.

The revised rule also clarifies: 1) that necessary travel and child care service costs may be covered as part of the credit for the skills training and internship components of the program; 2) that a business utilizing the internship component of this program will no longer have to demonstrate that its interns make up less than 50% of its workforce; and 3) that business entities participating in the program will have to complete a post project survey for the Department.

COSTS:

I. Costs to private regulated parties (the business applicants): None. The revised rule will not impose any additional costs to eligible business applicants.

II. Costs to the regulating agency for the implementation and continued administration of the rule: None.

III. Costs to the State government: None.

IV. Costs to local governments: None. The revised rule will not impose any costs on local governments.

LOCAL GOVERNMENT MANDATES:

None. There are no local government mandates associated with ETIP.

PAPERWORK:

The rule updates qualification rules and application procedures for ETIP. The rule entails certain paperwork burdens including materials to be submitted as part of applications for tax credits, additional documents the Commissioner may request from applicants as part of his evaluation of applications, and certain records that must be maintained by program participants for auditing purposes.

DUPLICATION:

The revised rule amends the existing regulations of the Commissioner of the Department of Economic Development, Part 250 of 5 NYCRR. Accordingly, there is no risk of duplication in the adoption of the revised rule.

ALTERNATIVES:

No alternatives were considered with regard to creating a new rule in response to the statutory requirement. The rule updates procedures for business entities to apply to ETIP. This action is necessary in order to clarify how qualifying businesses in strategic industries may receive program benefits and puts the regulations in conformity with the ETIP statute.

FEDERAL STANDARDS:

There are no federal standards applicable to ETIP; it is purely a state program that offers tax benefits to business entities in strategic industries incurring qualifying costs for eligible training or an eligible internship program in advanced technology. Therefore, the revised rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

The affected agency (Department of Economic Development) and any applicants to ETIP will be able to achieve compliance with the regulation as soon as it is adopted.

Revised Regulatory Flexibility Analysis

Participation in the Employee Training Incentive Program ("ETIP") is entirely at the discretion of qualifying business entities. Neither statute nor the rule impose any obligation on any local government or business entity to participate in the program. The rule does not impose any adverse economic impact or compliance requirements on small businesses or local governments. In fact, the proposed rule may have a positive economic impact on small businesses. Only small businesses, those with one hundred

(100) employees or fewer, are eligible to apply to ETIP for benefits associated with providing an eligible internship program.

Because it is evident from the nature of the rule that it will have either no impact or a positive impact on small businesses and local government, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required and one has not been prepared.

Revised Rural Area Flexibility Analysis

The Employee Training Incentive Program is a statewide business assistance program. Strategic businesses in rural areas of New York State are eligible to apply to participate in the program entirely at their discretion. Municipalities are not eligible to participate in the Program. The rule does not impose any special reporting, record keeping or other compliance requirements on private entities in rural areas. Therefore, the rule will not have a substantial adverse economic impact on rural areas nor on the reporting, record keeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

Revised Job Impact Statement

The rule updates administrative procedures for business entities to apply to the Employee Training Incentive Program ("ETIP") for tax credit benefits associated with providing eligible training to their employees, or an eligible internship program in advanced technology, life sciences, software development or clean energy. The program aims to induce employers to provide training in order to cultivate a pool of skilled workers who can meet the requirements for unfilled positions in strategic industries. The rule will not have a substantial adverse impact on jobs and employment opportunities; rather, the program is intended to increase employment opportunities.

Because it is evident from the nature of the rulemaking that it will have either no impact or a positive impact on job and employment opportunities, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Assessment of Public Comment

The agency received no public comment.

Department of Environmental Conservation

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Reduction

I.D. No. ENV-36-21-00003-P

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

Proposed Action: Addition of Part 353 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, art. 27, title 30, section 27-3003(2)

Subject: Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Reduction.

Purpose: Implementation of the expanded polystyrene foam container and loose fill packaging ban in Environmental Conservation Law, art. 27, Title 30.

Public hearing(s) will be held at: 1:00 p.m., Nov. 15, 2021 at Virtual Electronic Webinar.

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 (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/propregulations.html>

#public): This rulemaking adds a new Part 353, Expanded Polystyrene Foam Container and Loose Fill Packaging Reduction, to set forth the

requirements of Title 30 of Article 27 of the Environmental Conservation Law with respect to the prohibition on expanded polystyrene foam containers and loose fill packaging; financial hardship waiver application process; cost comparison analysis for alternative packaging; definition of the terms “comparable cost” and “undue financial hardship;” and hardship waiver approval, renewal, and revocation criteria.

Subpart 353-1 General Provisions

A new Subpart 353-1 sets forth the purpose and applicability and the definitions used in the regulations. Key statutory terms, such as “pre-packaged” and “single-use” are defined. This Subpart also addresses exemptions, violations and enforcement, severability, and preemption, including how a county can file a written declaration of its intent to enforce its local law as long as the law provides environmental protection equal to or greater than the state law and Part 353.

Subpart 353-2 Expanded Polystyrene Foam Container and Loose Fill Packaging Ban

A new Subpart 353-2 establishes the prohibitions related to the sale, offer for sale, and distribution of expanded polystyrene foam containers and polystyrene loose fill packaging. It addresses eligibility criteria for facilities and covered food service providers who may apply for a financial hardship waiver from certain requirements in the law and the application process. This Subpart also defines the terms “comparable cost” and “undue financial hardship,” as these terms relate to the approval criteria for a financial hardship waiver, and addresses hardship waiver approval, renewal, and revocation.

Text of proposed rule and any required statements and analyses may be obtained from: Amy Bloomfield, NYS Department of Environmental Conservation, 21 South Putt Corners Rd., New Paltz, NY 12561, (845) 256-3177, email: amy.bloomfield@dec.ny.gov

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

Public comment will be received until: November 22, 2021.

Additional matter required by statute: Pursuant to Article 8 of the ECL, the State Environmental Quality Review Act, an Environmental Assessment Form, determination of significance (negative declaration), and Coastal Assessment Form have been prepared and are on file with the Department.

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

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/preprotections.html#public>):

Introduction

A new Title 30 of Article 27 of the Environmental Conservation Law (ECL), “Expanded polystyrene foam container and polystyrene loose fill packaging ban,” went into effect on April 3, 2020, and established a ban on disposable food service containers that contain expanded polystyrene foam and polystyrene loose fill packaging. This rulemaking is intended to implement the provisions of the “Expanded polystyrene foam container and polystyrene loose fill packaging ban.”

Effective January 1, 2022, no covered food service provider or store (retail or wholesale) will be allowed to sell, offer for sale, or distribute disposable food service containers that contain expanded polystyrene foam in New York State. In addition, no manufacturer or store will be allowed to sell, offer for sale, or distribute polystyrene loose fill packaging (commonly referred to as packing peanuts) in the state. “Covered food service provider” means a person engaged in the business of selling or distributing prepared food or beverages for on-premises or off-premises consumption. Title 30 preempts all local laws, ordinances or regulations governing the sale, offer for sale, or distribution of disposable food service containers containing expanded polystyrene foam and polystyrene loose fill packaging. However, there are exemptions that are described. Title 30 also includes a financial hardship waiver component for covered food service providers and facilities that meet certain criteria. Defining terms such as “comparable costs” and “undue financial hardship and the details of the financial hardship waiver application are necessary to accomplish the intent of the ban.

1. Statutory Authority

The Department’s statutory authority to undertake the development of regulations concerning the provisions of the expanded polystyrene foam container and polystyrene loose fill packaging ban in Title 30 of Article 27 of the ECL is found in ECL Sections 1-0101, 3-0301, and 27-3003.

2. Legislative Objectives

The legislative objectives for Title 30 build on the accomplishments of other laws that reduce the negative environmental and community impacts of problematic, disposable, single-use plastic items. Plastic pollution from expanded polystyrene foam has been detected in the environment in New York state, other parts of the United States, and globally. It is a top contributor to plastic pollution that persists in the environment and negatively affects natural resources, fish and wildlife habitats, and litters com-

munities and natural areas. In addition, foam containers and loose fill packaging, such as packing peanuts, do not contribute to sustainable materials management solutions as they are not accepted in the majority of recycling programs in New York State because the foam is a low value and difficult to recycle material. The need to ban these materials is being recognized through a growing number of foam bans across the country, around the world, and through the voluntary discontinued use of foam products by large corporations.

3. Needs and Benefits

Title 30 is intended to move consumers, businesses, government agencies, and non-profits away from the wasteful and environmentally damaging practice of using disposable single-use expanded polystyrene foam containers and loose fill packaging.

4. Costs

While the regulations will not add any additional direct costs to the regulated parties, the requirements of the law itself and its ban on expanded polystyrene foam disposable food service containers and loose fill packaging may impact costs for regulated entities, including the possibility of increased costs for covered food service providers if the purchase and use of food service containers that do not contain expanded polystyrene foam cost more than products containing expanded polystyrene foam. However, there are many cost competitive alternatives. Although expanded polystyrene foam containers and loose fill are common, a variety of alternatives exist that are readily available, many of which are recyclable or compostable, biodegradable, or reusable, further increasing the environmental benefits of the expanded polystyrene foam container and loose fill ban, and appealing to customers who are increasingly looking for safer, environmentally preferable options. A cost comparison analysis from the Takoma Park Public Works Department (TPPWD) in Takoma, Maryland describes the various cost differences of different foam alternatives (See <https://documents-takomapark.s3.amazonaws.com/public-works/polystyrene-ban/PW-20150624-cost-analysis-hand-out.pdf> (last visited May 4, 2021)). Some regulated entities may have an increased cost associated with alternative packaging, but these costs will vary depending on what alternative container or packaging material is chosen, what type of container or packaging needs to be replaced, (e.g., cups and plates), and the vendor chosen. The expanded polystyrene foam container and loose fill packaging ban also contains a financial hardship waiver provision if compliance would create an undue financial hardship for certain facilities and covered food service providers. The proposed regulations will not incur additional costs to the Department or local governments.

5. Local Government Mandates

This proposal does not directly mandate the expenditure of funds by local governments and should not negatively affect local government operations. If a local government agency applies for a financial hardship waiver, the local government agency is responsible for applying for, renewing, and keeping on file any approved hardship waiver approval. Any county that enacts a polystyrene ban by local law, ordinance, or regulation that provides environmental protection equal to or greater than the state law can file a written declaration with the Department to continue implementing the local law. If a county files such a written declaration, that county is responsible for submitting the written declaration, keeping declarations on file, and notifying the Department of any changes that occur to the local law, ordinance, or regulation. Neither of these options are required or mandated.

6. Paperwork

Additional paperwork will only be required for covered entities who apply for a financial hardship waiver or a county with a local law providing environmental protection equal to or greater than the provisions of Title 30 or state regulations, which chooses to file a written declaration with the Department.

7. Duplication

The proposed regulations do not duplicate any other federal or state requirements.

8. Alternative Approaches

Several alternative approaches were considered prior to initiating this rulemaking. One approach was to allow implementation to unfold based on the language in the law. A second approach was to implement through issuance of guidance, such as a series of fact sheets or frequently asked questions. A third approach was to issue a program policy to establish program requirements. All three alternatives were rejected because without regulations, the three alternatives would be inadequate, would not carry the full legal authority of regulations, and the intent of the expanded polystyrene foam container and loose fill packaging ban will not be accomplished as intended.

9. Federal Standards

There are no federal standards related to a ban on expanded polystyrene foam containers or loose fill packaging.

10. Compliance Schedule

Title 30 will apply to the regulated entities beginning January 1, 2022,

pursuant to the law. The Part 353 regulations will become effective 30 days after filing with the Department of State.

Regulatory Flexibility Analysis

INTRODUCTION

A new Title 30 of Article 27 of the Environmental Conservation Law (ECL), “Expanded polystyrene foam container and polystyrene loose fill packaging ban” established a ban on disposable food service containers that contain expanded polystyrene foam and polystyrene loose fill packaging, which goes into effect on January 1, 2022. This rulemaking is intended to implement the provisions of the “Expanded polystyrene foam container and polystyrene loose fill packaging ban” by defining statutory terms such as “comparable costs” and “undue financial hardship,” and setting forth the details of the financial hardship waiver application process, which are necessary to ensure the bans on expanded polystyrene foam containers and expanded polystyrene loose fill packaging are implemented in a consistent, efficient and effective manner. The regulations will also help ensure that regulated entities clearly understand their compliance obligations and the process for obtaining a financial hardship waiver.

1. EFFECT OF RULE

Part 353 implements Title 30 of ECL Article 27 of the ECL. The implementation of the proposed regulations is not expected to have an adverse effect on small businesses or local governments, however the enactment of the law itself may affect some small businesses. Although the regulations will not add direct costs to the regulated parties, many of the entities affected by Title 30 may be small businesses.

Based on the categories of small businesses in the New York Small Business Economic Profile for 2018 by the U.S. Small Business Administration, Office of Advocacy, (<https://www.sba.gov/sites/default/files/advocacy/2018-Small-Business-Profiles-NY.pdf> (last visited May 3, 2021)), which provides data regarding small businesses in New York State, the categories which could potentially be impacted by the law include retail trade, accommodation and food services, healthcare and social assistance, wholesale trade, manufacturing, and educational services. These categories make up 620,380 New York State small businesses.

The number of these small businesses that could be affected by the law and regulations, because they currently manufacture, sell or distribute expanded polystyrene foam products that will be banned under the law, is unknown. However, the number of small business affected is very likely less than the total number of businesses documented in this report due to a few factors. For instance, many municipalities in New York already have local laws banning expanded polystyrene foam products, including the counties of Albany, Dutchess, Nassau, Putnam, Suffolk, Ulster, and Westchester, as well as New York City and the City of Oswego. Consequently, about sixty-six percent (66%) of the population in this state is already subject to a local law banning expanded polystyrene foam products. There are also businesses that have voluntarily stopped using expanded polystyrene foam containers and packaging. Once the expanded polystyrene foam ban goes into effect on January 1, 2022, the law and regulations will apply equally to local governments, except for those which currently have a ban in place, as indicated in the law. The law does not apply in New York City because Title 30 does not apply in a city with a population of one million or more that has a local law in place restricting the sale, offer for sale, or distribution of expanded polystyrene containers and polystyrene loose fill packaging. In addition, any local law, ordinance or regulation of any county will not be preempted if such local law provides environmental protection equal to or greater than Title 30 or the proposed Part 353 regulations, and the county files a written declaration of its intent to administer and enforce such county law with the Department.

Although expanded polystyrene foam is often chosen for its low cost, insulating, and cushioning properties, there are many cost competitive alternatives to foam containers and packaging. Materials such as rigid plastic, paper, aluminum, plant fibers and starches, bioplastics, and reusable items are readily available from many retail or online stores. Some covered food service providers and stores may have increased costs associated with alternative packaging, but these costs will vary depending on what alternative is chosen and the type of container or packaging being replaced. The regulations should have little to no effect on regulated parties who do not currently sell, offer for sale, or distribute banned items. As the ban goes into effect and more entities purchase alternative packaging, this may drive down the cost of alternatives. There are some alternatives that are similar in cost, while others are more costly. Though some materials may show a cost increase, the costs for commonly available alternatives do not appear to be substantial. The law and proposed regulations do not require specific alternatives to be used; the alternatives just cannot contain expanded polystyrene foam. Contamination in the recycling stream caused by expanded polystyrene foam containers and loose fill packaging could decrease, potentially reducing costs associated with contaminated recyclables and increasing the value and marketability of recyclables.

To the extent that stores and manufacturers required to comply with

Title 30 are small businesses, those stores and manufacturers will see a decline in sales of banned products within the state. Stores and manufacturers that are small businesses that sell alternative containers and packaging could realize an increase in sales.

There are no specific requirements for local governments, unless a county chooses to file a written declaration with the Department, or a local government agency applies for a financial hardship waiver; however, neither of these actions are required.

2. COMPLIANCE REQUIREMENTS

With respect to the requirements related to Title 30, there will be a change in current business practices for covered food service providers, stores and manufacturers still selling, offering for sale or distributing banned products, as they must comply with the ban by January 1, 2022. The law and regulations do not require specific reporting or recordkeeping, except to the extent that covered food service providers and facilities who choose to apply for a financial hardship waiver will be required to complete an application for a waiver and if the waiver is approved, the approval must be retained and available for inspection at the facility or covered food service provider.

There are no specific compliance requirements for local governments related to Title 30 or proposed Part 353 unless a county does not want its local law to be preempted and files a written declaration with the Department or a local agency applies for a financial hardship waiver. These actions may be pursued but are not required.

3. PROFESSIONAL SERVICES

There are no new professional services anticipated to be required for small businesses or local governments.

4. COMPLIANCE COSTS

As noted above, while the regulations will not add additional direct costs to small businesses or local governments, the enactment of the law itself may impact costs for regulated entities. Many of the entities affected may be small businesses.

With respect to the costs related to Title 30 for covered food service providers and stores that sell, offer for sale or distribute expanded polystyrene foam containers or loose fill packaging, there are a variety of alternative containers and packaging, many of which are cost-competitive and readily available. Some covered food service providers and stores may have increased costs associated with alternative packaging, but these costs will vary depending on what alternative is chosen. For example, switching to reusable containers can save money by reducing disposable food service ware costs, preventing litter, and lowering waste collection and disposal costs. The regulations should have little to no effect on regulated parties who do not currently sell, offer for sale, or distribute products that will be banned. As the ban goes into effect and more entities purchase alternatives, this may drive down the cost of alternatives. Some alternatives are similar in cost and some will cost more. In a cost analysis performed in Maryland, (See <https://takomaparkmd.gov/government/police/neighborhood-services/polystyrene-ban/> (last visited May 3, 2021); <https://documents-takomapark.s3.amazonaws.com/public-works/polystyrene-ban/PW-20150624-cost-for-business-fact-sheet.pdf>) it was estimated that alternatives to expanded polystyrene foam will cost anywhere from \$0.04 cents to \$0.10 more per unit than expanded polystyrene foam items, however costs vary. Any increase in cost would differ based on the quantity of expanded polystyrene foam containers or loose fill packaging a business is selling or distributing. To the extent that stores and manufacturers required to comply with Title 30 are small businesses, those stores and manufacturers will see a decline in sales of banned items within New York State. Stores and manufacturers that are small businesses that sell alternative containers and packaging could realize an increase in sales.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The requirements related to Title 30 prohibiting the sale, offer for sale or distribution of certain expanded polystyrene foam containers and loose fill packaging are not anticipated to be a technological challenge since many alternative containers and packaging already exist today. With respect to economic impacts, as stated in the Compliance Costs section, some covered food service providers and stores may have increased costs associated with alternative packaging, but costs will vary depending on what alternative is chosen and the type of container or packaging being replaced. The regulations should have little to no effect on regulated parties who do not currently sell or distribute expanded polystyrene foam products that will be banned under the law. There are no economic or technological impacts anticipated for local governments related to the expanded polystyrene foam container and loose fill packaging ban.

6. MINIMIZING ADVERSE IMPACTS

Any adverse economic impacts or additional costs associated with compliance with the implementation of Title 30 are the result of the Legislature’s enactment of the ban on expanded polystyrene foam container and polystyrene loose fill packaging ban. Part 353 will not result in any additional direct costs or additional adverse impacts to small busi-

nesses or local governments that will not already occur as a result of the law.

Part 353 will implement Title 30's financial hardship waiver provisions, which will help to minimize adverse impacts. Covered food service providers that meet certain criteria (have an annual gross income under \$500,000 per location, do not operate 10 or more locations in New York State, and are not operated according to a franchise agreement), as well as facilities operated by a not-for-profit corporation or by a federal, state, or local government agency that provide food and meals to food insecure individuals, may request from the Department a renewable 12-month hardship waiver of the requirements of Title 30. Hardship waivers may be granted for one or more disposable food service containers to a covered food service provider that demonstrates there is no alternative product of comparable cost that is not composed of expanded polystyrene foam and that the purchase or use of an alternative product would create an undue financial hardship.

The Department intends to undertake efforts to minimize potential impacts by engaging stakeholders through outreach, education, and guidance documents. Small businesses that are manufacturers of alternative containers and packaging could see an increase in sales and employment.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

The Department will hold meetings with interested stakeholders, including groups representing small businesses, as well as local government to explain the requirements of the law and collect feedback. The Department will be evaluating the feedback for input into the proposed rulemaking. The proposed regulations are intended to merely implement the requirements of the law.

8. CURE PERIOD OR OTHER OPPORTUNITY FOR AMELIORATIVE ACTION

This rule does not establish or modify a violation or penalties associated with a violation; the law establishes the penalties for violations in Section 71-2730 of Article 71 of the ECL. While the law went into effect immediately, the ban on expanded polystyrene foam containers and polystyrene loose fill packaging in Article 27, Title 30 will not take effect until January 1, 2022, as required by the law. The regulations will be in effect 30 days after filing with the Department of State.

9. INITIAL REVIEW OF RULE

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

Rural Area Flexibility Analysis

INTRODUCTION

A new Title 30 of Article 27 of the Environmental Conservation Law (ECL), "Expanded polystyrene foam container and polystyrene loose fill packaging ban" established a ban on disposable food service containers that contain expanded polystyrene foam and polystyrene loose fill packaging, which goes into effect on January 1, 2022. This rulemaking is intended to implement the provisions of the "Expanded polystyrene foam container and polystyrene loose fill packaging ban" by defining statutory terms such as "comparable costs" and "undue financial hardship," and setting forth the details of the financial hardship waiver application process, which are necessary to ensure the bans on expanded polystyrene foam containers and expanded polystyrene loose fill packaging are implemented in a consistent, efficient and effective manner. The regulations will also help ensure that regulated entities clearly understand their compliance obligations and the process for obtaining a financial hardship waiver.

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

For purposes of this Rural Area Flexibility Analysis (RAFA), "rural area" means those portions of the state so defined by Executive Law section 481(7). SAPA section 102(10). Under Executive Law section 481(7), rural areas are defined as "counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are 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." There are 44 counties in New York State (State) that have populations of less than 200,000 people and 71 towns in non-rural counties where the population densities are less than 150 people per square mile.

The proposed regulations apply statewide (excluding New York City), including rural areas of the state. The law and regulations do not apply in cities with a population of one million or more that have a local polystyrene ban in place (this includes New York City). In addition, any local law, ordinance or regulation of any county will not be preempted if such local law provides environmental protection equal to or greater than Title 30 or the proposed Part 353 regulations, and the county files a written declaration of its intent to administer and enforce such county law with the Department. All applicable areas of the state, including stores and covered food service providers, located in rural areas that sell, offer for sale or dis-

tribute expanded polystyrene foam containers and stores and manufacturers located in rural areas that sell, offer for sale or distribute expanded polystyrene loose fill packaging (commonly known as packing peanuts) could be affected directly or indirectly by the law and the proposed rulemaking.

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

While the regulations will not add any mandatory reporting, recordkeeping, other compliance requirements, or the need for additional professional services to regulated entities, the enactment of the law itself requires regulated entities to comply with the ban on expanded polystyrene foam disposable food service containers and loose fill packaging. Regulated entities are state-wide, including in rural areas.

The additional administrative requirements only relate to those entities that elect to complete an application for a financial hardship waiver or counties that enact a polystyrene ban through a local law that provides environmental protection equal to or greater than the state law and choose to file a written declaration with the Department to continue to administer and enforce the county law. Title 30 provides that local polystyrene bans will be preempted by the state law, except for laws in counties that choose to file such written declaration. A financial hardship waiver is available for entities that meet certain requirements related to the prohibition on selling, offering for sale or distributing disposable food service containers that contain expanded polystyrene foam. The hardship waiver is the only component of the regulations that would result in any additional administrative obligations, but the waiver is optional and not required under the Part 353 regulations. Additionally, a county that enacts a polystyrene ban by local law that provides environmental protection equal to or greater than the state law could choose to file a written declaration with the Department if it intends to continue administering and enforcing its local law. However, the written declaration is also optional, and, if pursued, would involve minimal paperwork.

3. COSTS

While the regulations will not add any additional direct costs to regulated parties, the requirements of the law itself and its ban on expanded polystyrene foam disposable food service containers and loose fill packaging may impact costs for regulated entities, including those in rural areas. Beginning January 1, 2022, the law prohibits covered food service providers and stores from selling, offering for sale, or distributing disposable food service containers that contain expanded polystyrene foam in New York State. Depending on the type of container and alternative material chosen, alternative acceptable containers have the potential to cost more. Therefore, there is a possibility of increased costs for covered food service providers if the purchase and use of food service containers that do not contain expanded polystyrene foam cost more than products containing expanded polystyrene foam. In a cost analysis performed in Maryland, (See <https://takomaparkmd.gov/government/police/neighborhood-services/polystyrene-ban/> (last visited May 3, 2021); <https://documents-takomapark.s3.amazonaws.com/public-works/polystyrene-ban/PW-20150624-cost-for-business-fact-sheet.pdf>) it was estimated that alternatives to expanded polystyrene foam will cost anywhere from \$0.04 cents to \$0.10 more per unit than expanded polystyrene foam items, however costs vary. Any increase in cost would differ based on the quantity of expanded polystyrene foam containers a business is selling or distributing. If retail and wholesale stores choose to provide alternatives in place of expanded polystyrene foam containers, these could cost more for stores to purchase than expanded polystyrene foam items. However, the likely increase in demand for alternative products could increase sales of alternative products, potentially offsetting any higher costs to purchase these items, and possibly generating increased profits from alternatives.

This prohibition applies across the state — in urban, suburban and rural areas — and variation in costs for different types of public and private entities in rural areas is not anticipated. Manufacturers of disposable food service containers that contain expanded polystyrene foam do exist in some locations across New York State. However, the Department has not identified any manufacturers of banned products that are located in rural areas of the state who could realize decreased sales of banned products or decreased profits. There are no direct costs to manufacturers and distributors from the regulations or the law itself. The law and regulations will be applied across the state equally, except for cities to which the law does not apply, or counties who file a written declaration to administer and enforce their own local law, according to the requirements in the state law.

Manufacturers and distributors of disposable food service containers that do not contain expanded polystyrene foam could experience an increase in sales due to a likely shift to other containers by covered food service providers and stores. Due to the many options currently available on the market, it is not anticipated that there will be a lack of supply of alternative disposable food service containers that do not contain expanded polystyrene foam. The law and proposed regulations may also result in an increased focus on reusable containers as an alternative and a shift to a

more circular system, which can also provide cost savings. This would again boost prospects for those businesses that provide alternatives. Switching to reusable containers as an alternative can save money by reducing disposable food service ware costs, prevent litter, and lower waste collection services.

Title 30 also contains a ban on polystyrene loose fill packaging. Beginning January 1, 2022, no manufacturer or store shall sell, offer for sale, or distribute polystyrene loose fill packaging in New York State. Similar to the above, alternative packaging may cost more. If stores replace expanded polystyrene foam loose fill packaging with alternatives, it may cost more to purchase some of these items. However, demand for these items will likely increase, and increased sales of alternatives could offset any increased costs to purchase and provide alternative packaging options. In reviewing some existing available alternative packaging options, the Department found cost competitive options, with some even providing a cost savings. In addition, manufacturers, distributors, and stores offer product lines beyond expanded polystyrene foam loose fill packaging, including alternatives or items that will not be banned under the law, which can continue to be sold in New York State after the ban goes into effect. No direct costs to manufacturers and distributors from the regulations or the law itself are anticipated. The prohibitions within the legislation do not favor one industry over another but rather promote a shift to more environmentally preferable solutions to ensure a healthy future for all in New York State.

4. MINIMIZING ADVERSE IMPACT

Part 353 will implement Title 30's financial hardship waiver provisions, which will help to minimize adverse impacts on facilities and covered food service providers in rural areas. Covered food service providers that meet certain criteria (have an annual gross income under \$500,000 per location, do not operate 10 or more locations in New York State, and are not operated according to a franchise agreement), as well as facilities operated by a not-for-profit corporation or by a federal, state, or local government agency that provide food and meals to food insecure individuals, may request from the Department a renewable 12-month hardship waiver of the requirements of Title 30. Hardship waivers may be granted for one or more disposable food service containers to a covered food service provider that demonstrates there is no alternative product of comparable cost that is not composed of expanded polystyrene foam and that the purchase or use of an alternative product would create an undue financial hardship.

5. RURAL AREA PARTICIPATION

The Department held one widely-attended virtual public meeting, which was advertised all over the state and to which stakeholders from all over the state, including rural areas, were invited and also attended. This provided public and private interests in rural areas with the opportunity to participate in the rule making process without having to travel to an in-person meeting. Additional meetings with interested stakeholders will be held to explain the requirements of the law and stakeholders in rural areas will again be invited to attend. The Department will be accepting public comments and evaluating the feedback and comments for input into the proposed rulemaking. The proposed regulations are intended to merely implement and clarify the requirements of the law.

6. INITIAL REVIEW OF RULE

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

Job Impact Statement

INTRODUCTION

A new Title 30 of Article 27 of the Environmental Conservation Law (ECL), "Expanded polystyrene foam container and polystyrene loose fill packaging ban" established a ban on disposable food service containers that contain expanded polystyrene foam and polystyrene loose fill packaging, which goes into effect on January 1, 2022. This rulemaking is intended to implement the provisions of the "Expanded polystyrene foam container and polystyrene loose fill packaging ban" by defining statutory terms such as "comparable costs" and "undue financial hardship," and setting forth the details of the financial hardship waiver application process, which are necessary to ensure the bans on expanded polystyrene foam containers and expanded polystyrene loose fill packaging are implemented in a consistent, efficient and effective manner. The regulations will also help ensure that regulated entities clearly understand their compliance obligations and the process for obtaining a financial hardship waiver.

1. NATURE OF IMPACT

The implementation of the proposed rule is not expected to have an adverse effect on jobs or employment opportunities. Any job-related impacts associated with compliance with the implementation of Title 30 are the result of the Legislature's enactment of the ban on expanded polystyrene foam container and polystyrene loose fill packaging ban. Part 353 will not result in any additional direct costs or additional adverse impacts to jobs or employment opportunities that will not already occur as a result of the law.

Nothing being proposed in this rule is expected to result in diminished

economic activity, which typically results in adverse impacts on employment opportunities. While the regulations will not add any additional direct costs to the regulated parties, the requirements of the law itself and its ban on expanded polystyrene foam disposable food service containers and loose fill packaging could impact costs for regulated entities, which, in turn, could possibly have an effect on jobs.

Title 30 prohibits covered food service providers and stores from selling, offering for sale, or distributing disposable food service containers that contain expanded polystyrene foam in New York state. When this ban on expanded polystyrene foam products takes effect on January 1, 2022, demand for polystyrene containers is likely to decrease. Depending on the type of container and material type, acceptable alternative containers have the potential to cost more. Covered food service providers could experience an increase in costs if the purchase and use of food service containers that do not contain expanded polystyrene foam cost more than products containing expanded polystyrene foam. If increased food service container costs cannot be passed on to customers, there potentially could be an effect on jobs if additional costs are so high that food service providers are unable to retain current staffing levels or are unable to hire additional employees. However, this is not anticipated to be the case, as there are many cost competitive alternatives. Additionally, this rule implements the financial hardship waiver provisions in Title 30 wherein certain covered food service providers and facilities may be granted a financial hardship waiver from the requirements of Title 30 for disposable food service containers.

While the proposed regulations themselves will not directly affect jobs, the enactment of the law itself may affect jobs for manufacturers and distributors who sell, offer for sale, or distribute banned items in New York state, as there are manufacturers and distributors located in this state who manufacture and/or distribute banned polystyrene products. When the law becomes effective, or even before that time as stores prepare for the ban, these businesses will see reduced sales of banned polystyrene products in New York state. Any time a business reduces sales of some items, this could reduce profits, and this could have an impact on jobs. However, the Department has reviewed some of the containers and packaging offered by these manufacturers and distributors, and both manufacturers and distributors offer a diverse array of products for sale, including items that are not banned under the law and can still be sold or distributed in New York state. They may also offer alternative containers and packaging that are allowed under the law and for which manufacturers and distributors may see an increase in sales of those products after the law becomes effective. This could have a positive impact on employment opportunities for businesses that manufacture, sell, or distribute alternative containers and packaging. In addition, disposable food service containers containing expanded polystyrene foam can be sold out of state, in states without a ban.

Manufacturers and distributors of disposable food service containers that do not contain expanded polystyrene foam could experience an increase in sales as a result of the likely shift to other containers by covered food service providers and stores. Due to the many options currently available on the market, it is not anticipated that there will be a lack of supply of alternative disposable food service containers that do not contain expanded polystyrene foam. The law and proposed regulations may also result in an increased focus on reusable containers as an alternative and a shift to a more circular system. This would again boost prospects for those companies that do not sell disposable food service containers containing expanded polystyrene foam. Switching to reusable containers as an alternative can save money by reducing disposable food service ware costs, preventing litter, and lowering fees for waste collection services.

Title 30 also contains a ban on polystyrene loose fill packaging. Beginning January 1, 2022, no manufacturer or store can sell, offer for sale, or distribute polystyrene loose fill packaging in New York State. Similar to the above, alternative packaging may cost more, but, as explained below, this is not anticipated to have significant job-related impacts. Manufacturers, distributors, and stores that sell polystyrene loose fill packaging do exist in some locations in this state and they will likely experience a decline in sales of these products in New York State, which could negatively impact jobs. However, similar to the manufacturers of disposable food service containers that contain expanded polystyrene foam, these companies appear to have product lines beyond polystyrene loose fill packaging that can still be sold in this state after the ban goes into effect. Manufacturers, distributors, and stores that sell acceptable alternative fill packaging could see an increase in sales due to a likely shift in purchasing for those that use fill packaging, which may also result in the need to expand production, and the need to hire more people. Some distributors currently advertise starch packing peanuts as the packing peanuts with the fastest sales growth for their business. In addition, the Department has reviewed available alternatives, and many cost competitive alternatives exist, such as packing peanuts made from starch, with some alternatives even providing a cost savings compared to polystyrene loose fill packaging. Further, many avail-

able alternatives are biodegradable, recyclable, or made of recycled content, increasing the environmental benefits associated with the ban. The prohibitions within the legislation do not favor one industry over another, but rather promote a shift to more environmentally preferable solutions to ensure a healthy future for all in New York State.

2. CATEGORIES AND NUMBERS AFFECTED

While the implementation of the proposed regulations is not expected to have a substantial effect on jobs or employment opportunities, the categories of jobs that could be affected by the requirement of the law include: (1) covered food service providers (persons engaged on the business of selling or distributing prepared food or beverages for on-premises or off-premises consumption); (2) stores (retail or wholesale establishments other than covered food service providers); (3) manufacturers or distributors of disposable food containers; and (4) manufacturers or distributors of polystyrene loose fill packaging. Covered food service providers include retail food stores, delicatessens; grocery stores; restaurants; cafeterias; coffee shops; hospitals, adult care facilities, and nursing homes; and elementary and secondary schools, colleges and universities. Title 30 and the proposed regulations allow covered food service providers and certain facilities to apply for a financial hardship waiver, which would reduce any potential financial impacts to eligible covered food service providers and facilities.

Any job impacts would likely be experienced by manufacturers or distributors of disposable food service containers that contain expanded polystyrene foam and manufactures of polystyrene loose fill packaging because these products will be banned from being sold or distributed under the law. The number of jobs or employment opportunities at these businesses that will be affected by the law and regulations is unknown, but it is estimated to be minimal. To the extent that any manufacturers and distributors of these products are located in New York, jobs could be negatively impacted if these entities rely heavily on the sale and distribution of food service containers and loose fill packaging made from expanded polystyrene foam and do not have the ability to shift to, or increase, the production and distribution of other products. However, manufacturers of these products typically manufacture other packaging and products and could shift product development to those market opportunity areas over time. Manufacturers of reusable or disposable food service containers that do not contain polystyrene foam and other non-polystyrene packaging fill could experience an increase in sales due to purchasing shifts by regulated entities. Although it is difficult to predict the impact of the law and regulations on employment, there is potential for a small number of jobs to be created due to the need for increased alternatives to expanded polystyrene foam disposable food service containers and polystyrene loose fill packaging.

3. REGIONS OF ADVERSE IMPACT

Except for New York City, to which the proposed regulations do not apply because it has its own similar law banning expanded polystyrene containers and polystyrene loose fill packaging, all covered entities must adhere to the same requirements regardless of where they are located in this State. Therefore, there is no region of the State expected to be adversely impacted from the proposed regulations more than other areas of the State.

4. MINIMIZING ADVERSE IMPACT

Section 27-3005 of the law outlines provisions related to a financial hardship waiver and applying for a waiver. The proposed regulations implement Title 30's financial hardship waiver provisions by addressing financial hardship waiver eligibility, applying for a waiver, approval criteria, and renewal of a waiver in order to assist in minimizing adverse impacts for those entities that meet the requirements outlined in Section 27-3005. Covered food service providers that meet certain criteria (have an annual gross income under \$500,000 per location, do not operate 10 or more locations in New York State, and are not operated according to a franchise agreement), as well as facilities operated by a not-for-profit corporation or by a federal, state, or local government agency that provide food and meals to food insecure individuals, may request from the Department a renewable 12-month hardship waiver of the requirements of Title 30. Hardship waivers may be granted for one or more disposable food service containers to a covered food service provider that demonstrates there is no alternative product of comparable cost that is not composed of expanded polystyrene foam and that the purchase or use of an alternative product would create an undue financial hardship. In addition, the Department intends to undertake efforts to minimize any potential impacts by engaging stakeholders directly through outreach, education, and guidance documents.

5. SELF-EMPLOYMENT OPPORTUNITIES

The proposed regulations are not expected to negatively impact self-employment opportunities and may drive entrepreneurial endeavors for those seeking to develop reusable food service containers, other allowable alternative food service containers, or non-polystyrene loose fill packaging.

6. INITIAL REVIEW OF RULE

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

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Medium- and Heavy-Duty (MHD) Zero Emission Truck Annual Sales Requirements and Large Entity Reporting

I.D. No. ENV-36-21-00004-P

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

Proposed Action: Amendment of Parts 200 and 218 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 1-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105; Federal Clean Air Act, section 177 (42 USC 7507)

Subject: Medium- and heavy-duty (MHD) zero emission truck annual sales requirements and large entity reporting.

Purpose: Annual zero emission MHD truck sales requirements for model years 2025-2035. Report MHD volumes, operations, and locations.

Public hearing(s) will be held at: 2:00 p.m., Nov. 9, 2021 via electronic webinar.

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 218 by September 8, 2021. The proposed regulations webpage for 6 NYCRR Part 218 may be accessed at: <https://www.dec.ny.gov/regulations/propregulations.html>

Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 218 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 October 19, 2021. The written request must be addressed to ALJ Michele M. Stefanucci, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Stefanucci at ohms@dec.ny.gov.

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 (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/propregulations.html>

#public): The New York State Department of Environmental Conservation (Department) is proposing to amend 6 NYCRR Part 218 and Section 200.9. Section 200.9 is a list that cites Federal and California codes and regulations that have been referenced by the Department while amending Part 218. The purpose of the amendment is to revise the existing low emission vehicle (LEV) program to incorporate California's Advanced Clean Truck (ACT) medium- and heavy-duty zero emission vehicle (ZEV) standards. The Department is amending Sections 218-1.1, Applicability; 218-2.1, Prohibitions; 218-4.1, ZEV percentages; and adding a new 218-4.2, Large Entity Reporting Requirement. The remaining Sections in Part 218 are unchanged.

Section 218-1.1(a) is amended to include ZEV standards for 2025 and subsequent model year medium- and heavy-duty trucks and to correct miscellaneous typographical errors.

Section 218-2.1(a) is amended to update the sections being incorporated by reference from the California Code of Regulations.

Section 218-4.1 is amended to incorporate California's latest (ZEV) standards for medium- and heavy-duty trucks. The proposed ACT amendments would introduce ZEV sales requirements for all manufacturers that sell vehicles in weight classes 2b through 8 (gross vehicle weight rating (GVWR) > 8,500 lbs.) in New York. The sales requirement would be a percentage, varying by model year, vehicle class, and vehicle type of the manufacturer's annual New York sales volume for that model year. Starting with MY 2025 in New York, manufacturers would incur deficits for each vehicle sold that must be met with credits generated from selling medium- and heavy-duty ZEVs or near zero emission vehicles (NZEVs).

Medium- and heavy-duty ZEV and NZEV credits may be generated,

banked, and traded in New York by manufacturers. Credits would have a limited lifetime to ensure medium and heavy-duty ZEVs are sold in New York. Manufacturers subject to the sales requirement must report sales information and credit trade information annually to the Department to demonstrate compliance.

Section 218-4.2 is being added. The proposed ACT amendments include a one-time large entity reporting requirement that applies to large fleet owners. Subject entities must report information regarding vehicle ownership and operation, as well as company-wide information about their New York locations and how they and their contractors move freight and perform other services. The extent of reporting will vary based on size of the company and truck ownership. State and local government agencies would also be required to report.

Text of proposed rule and any required statements and analyses may be obtained from: Jeff Marshall, P.E., NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3255, (518) 402-8292, email: air.regs@dec.ny.gov

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

Public comment will be received until: November 17, 2021.

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration, and a Coastal Assessment Form have been prepared and are on file.

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/propregulations.html#public>):

The New York State Department of Environmental Conservation (DEC or the Department) proposes to amend Title 6 of the New York Codes, Rules and Regulations (NYCRR) Part 218, "Emissions Standards for Motor Vehicles and Motor Vehicle Engines", and Part 200, "General Provisions". These amendments further the goals of reducing air pollution from motor vehicles, including criteria pollutants and greenhouse gases (GHGs), by incorporating California's medium- and heavy-duty zero emission vehicle (ZEV) regulation, known as "Advanced Clean Trucks" (ACT). The amendments are consistent with the requirements of the Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (CLCPA or Climate Act), to further reduce greenhouse gas (GHG) emissions in the State. The CLCPA emphasizes reducing greenhouse gas emissions and co-pollutants in disadvantaged communities including requiring all state agencies to not disproportionately burden disadvantaged communities when considering and issuing permits, licenses, and other administrative approvals and decisions.

The proposed amendments establish annual ZEV sales requirements in New York State for truck manufacturers. Manufacturers will be required to meet a certain sales percentage of ZEV trucks, which will vary among vehicle weight classes, beginning with model year (MY) 2025, and increasing annually through MY 2035.

The proposed amendments also establish a one-time large entity fleet reporting requirement. Subject entities will be required to submit a one-time report to the Department detailing information that will help identify future strategies to accelerate adoption of zero emission medium- and heavy-duty vehicles.

The United States Environmental Protection Agency (EPA)'s 2017 National Emissions Inventory (NEI) data estimated that on-road medium- and heavy-duty vehicles emitted approximately 13.6 million tons of GHG (when measured in CO₂e GWP100, rather than the GWP20 required by the Climate Act) in New York. The CLCPA defines "carbon dioxide equivalent" (CO₂e) as a measurement of global warming potential (GWP) based on a twenty-year timeframe (GWP20), rather than a one hundred-year timeframe (GWP100). The transportation sector accounts for at least 27 percent of all GHG emissions in New York State when measured pursuant to the Climate Act and Part 496. Diesel fuel and biodiesel, mainly used by medium- and heavy-duty vehicles, accounts for 21.5 percent of all on-road transportation sector GHG emissions, when measured pursuant to the Climate Act and Part 496.

The 2017 NEI data estimated that on-road medium- and heavy-duty vehicles emitted approximately 40,765 tons of nitrogen oxides (NO_x) and 3,345 tons of fine particulate matter (PM_{2.5}) in New York. Medium- and heavy-duty vehicles account for approximately 46 percent of total on-road vehicle NO_x emissions while making up a smaller percentage of vehicles.

New York State has a statewide diesel PM₁₀ ambient concentration from on-road medium- and heavy-duty vehicles of approximately 0.265 micrograms/meter³ (µg/m³), which is one of the highest in the nation. PM_{2.5} emissions from on-road mobile sources in the New York City region contribute to approximately 320 deaths and 870 hospitalizations and emergency department visits. Of the 320 deaths attributed to PM_{2.5} emissions, 170 deaths can be associated with buses and trucks.

The proposed ACT amendments would introduce ZEV sales requirements for all manufacturers that sell vehicles in weight classes 2b through

8 (gross vehicle weight rating (GVWR) > 8,500 lbs.) in New York. The sales requirement would be a percentage, varying by model year, vehicle class, and vehicle type of the manufacturer's annual New York sales volume for that model year. Starting with MY 2025 in New York, manufacturers would incur deficits for each vehicle sold that must be met with credits generated from selling medium- and heavy-duty ZEVs or near zero emission vehicles (NZEVs).

Medium- and heavy-duty ZEV and NZEV credits may be generated, banked, and traded in New York by manufacturers. Credits would have a limited lifetime to ensure medium and heavy-duty ZEVs are sold in New York. Manufacturers subject to the sales requirement must report sales information and credit trade information annually to the Department to demonstrate compliance.

Large entities that operate medium and heavy-duty trucks in New York would be required to submit a one-time reporting requirement. Large entities would include, but not be limited to, retailers, manufacturers, refiners, drayage terminal operators, utility providers, refuse companies, and government agencies.

The Department has estimated the emission reduction benefits associated with the proposed adoption of California's ACT regulation from two sources:

1. By comparing the annual vehicle miles traveled (VMT) of medium- and heavy-duty trucks for New York State to California, a scaling factor can be developed. The Department applied the calculated scaling factor of 0.32 to California's ACT Attachment D emission reductions to estimate New York State emission reductions.

2. The International Council on Clean Transportation (ICCT) utilized EPA's Motor Vehicle Emissions Simulator (MOVES3) model at the county scale using 2017 National Emissions Inventory representative counties to evaluate New York State's adoption of several California medium- and heavy-duty vehicle regulations, including ACT.

Using the first source, the Department estimates that New York's adoption of ACT would achieve emission benefits of 18,635 tons of NO_x, 349 tons of PM_{2.5}, and 5.52 million metric tons of GHG expressed in carbon dioxide equivalents with a global warming potential based on a one hundred-year timeframe (CO₂e, GWP100) from 2025-2040. California's ACT rulemaking estimates emissions reductions using a 100-year GWP which is standard practice. New York's Climate Act requires emissions be calculated using a 20-year GWP. Estimating emissions from internal combustion engines using a 20-year GWP would increase the emissions reductions realized from the proposed ACT.

The second source estimated that New York's adoption of ACT would achieve emission benefits of 16,210 tons of NO_x, 230 tons of PM_{2.5}, and 17.91 million metric tons of CO₂e, GWP100 from 2025-2040.

Where appropriate, costs and benefits associated with New York's proposed adoption of California's ACT regulation were estimated by applying the VMT-based scaling factor to California values. The scaling factor was applied to incremental ZEV cost, Phase 2 GHG compliance savings, large entity reporting costs, sales and excise tax, vehicle maintenance costs, maintenance bay upgrade costs, midlife service costs, electric vehicle supply equipment infrastructure and maintenance costs, and transition and workforce development costs.

The incremental cost of requiring medium- and heavy-duty ZEV sales in New York is estimated at \$2.9 billion from 2025-2040. The Department believes there will be no additional certification costs for manufacturers to comply with ACT in New York. The Department estimates Phase 2 GHG compliance savings of \$201 million to New York for 2025-2040.

Large fleet owners and those large companies that contract for transportation services will be required to report vehicle information and how they are operated. The Department estimates the cost of the one-time ACT reporting requirement in New York to be \$4.8 million.

Vehicles purchased in New York are subject to state and local sales tax applied to the vehicle purchase price. The Department estimated combined state/local sales tax of 8.45 percent. Class 8 vehicles are subject to an additional 12 percent federal excise tax. The Department estimates sales and excise tax costs in New York to be \$295 million from 2025-2040.

An overall total fuel cost savings is expected due to the replacement of diesel and gasoline fuel with the cost of electricity and hydrogen fuel. The Department estimates an overall savings of \$4.07 billion considering all fuel costs in New York from 2025-2040.

Vehicle maintenance costs consist of labor and parts for routine maintenance and repairs. The maintenance costs for battery electric vehicles are predicted to be lower compared to diesel fueled vehicles due to fewer moving parts and a simpler design. The Department estimates vehicle maintenance costs to be a net savings of \$1.21 billion in New York from 2025-2040.

Maintenance facilities would require upgrades to safety equipment, diagnostic tools, and other equipment to service electric vehicles. New York costs to upgrade maintenance facilities to service medium and heavy-duty ZEVs are estimated at \$180 million from 2025-2040.

Midlife costs represent the cost to rebuild or replace the main propulsion components of vehicles due to wear and deterioration. These include engine rebuild for diesel vehicles; battery pack replacement for battery electric vehicles; and fuel cell stack refurbishment for hydrogen fuel-cell vehicles. The Department estimates midlife costs of \$305 million in New York from 2025-2040.

Fleets will need to complete significant infrastructure upgrades to provide fuel for battery-electric and hydrogen fuel cell vehicles. The Department estimates electric vehicle fueling infrastructure installation and maintenance costs of \$3.10 billion in New York from 2025-2040.

The cost for transitioning to a new technology and its deployment is assumed to be approximately 2.5 percent of the incremental cost between a diesel truck and ZEV truck of the same class. The Department estimates transitional and workforce development costs in New York to be approximately \$12 million from 2025-2040.

Commercial vehicles of all fuel types are subject to registration fees, county use taxes, and supplemental fees depending on their fuel and vehicle weight. Diesel-powered commercial vehicles weighing 8,501 pounds GVWR or more are subject to an additional 3.25 percent increase to the listed registration fee, as required by the New York State Heavy-Duty Vehicle Diesel Emissions Reduction Act (DERA). Under ACT, ZEV purchases would not be subject to the DERA fee applicable to similar weight diesel-powered vehicles. DERA savings are estimated to be approximately \$3.4 million from 2025-2040.

ACT adoption would reduce state and local tax and fee revenue from gasoline and diesel sales, while increasing revenue from electricity. The Department estimated the fiscal impact on tax and fee revenue for New York State as a -\$250 million offset to benefits for 2025-2040.

The Department estimated the health benefits of reduced NOx and PM2.5 emissions derived from ACT adoption in New York from two sources:

1. California Air Resources Board (CARB)'s ACT Health Benefits

2. Northeast States for Coordinated Air Use Management (NESCAUM) sponsored CO-Benefits Risk Assessment (COBRA) modeling based on ICCT MOVES3 modeling of ACT in New York State (2025-2040)

The Department estimated the total number of incidents and estimated health benefits to New York using state population and the proximity of residents to major roadways in accordance with the U.S. Department of Transportation's Transportation and Health Tool. The Department estimates health benefits to New York of \$3.3 billion for 2025-2040.

The Department also considered COBRA simulations to examine the health impacts of ACT adoption in New York based on ICCT MOVES3 modeling results. A COBRA simulation estimated \$184 to \$423 million in monetized health benefits to New York from 2025-2040.

The monetized benefits of GHG reductions are estimated by considering the social cost of carbon. The Climate Act directed the Department to establish a value of carbon for use by state agencies. The Department evaluated the value of carbon in accordance with DEC's Value of Carbon guidance using a two percent discount rate. Scaling California's CO2e reductions results in an estimated avoided social cost of carbon of \$632 million from 2025-2040. Using ICCT MOVES3 modeling results in an estimated avoided social cost of carbon of \$2.06 billion from 2025-2040. Since the Department couldn't separate CARB's CO2e value into the component gases we have taken a conservative approach of calculating the value of carbon by applying the value of CO2 to the CO2e metric. Estimating the value for the individual gases in the CO2e metric would likely result in a higher value.

Fleet owners, however, are not required to purchase ZEV trucks under the proposed ACT adoption. If fleet owners choose to purchase electric trucks, they would incur costs after the point of sale, as well as costs relating to electric vehicle infrastructure. The proposed amendments would reduce overall costs as reduced operational costs significantly outweigh higher upfront vehicle purchase price and infrastructure costs. Battery-electric technologies are expected to reach total cost of ownership parity with diesel-powered vehicles by the 2024 MY for some applications.

New York State has several programs to promote the transition of the transportation sector to cleaner energy including the New York Truck Voucher Incentive Program administered by the New York State Energy and Research Development Authority, the New York City Clean Trucks Program administered by the New York City Department of Transportation, and a medium- and heavy-duty fleet make-ready pilot program pursuant to a New York State Public Service Commission order.

The proposed ACT amendments include a one-time large entity reporting requirement that applies to large fleet owners. Subject entities must report information regarding vehicle ownership and operation, as well as company-wide information about their New York locations and how they and their contractors move freight and perform other services. The extent of reporting will vary based on size of the company and truck ownership. State and local government agencies would also be required to report.

The proposed amendments will affect tax revenue at the state and local

level. Sales tax revenues are likely to increase due to the higher purchase costs of zero-emissions trucks. Fuel tax revenue will be reduced as gasoline and diesel vehicles will be displaced with electric and hydrogen fuel vehicles reducing the amount of gasoline and diesel dispensed in the state.

The proposed amendments are not expected to cause a change in overall employment in New York. Motor vehicle and parts manufacturing represents a small portion of employment in New York. Businesses that sell gasoline and diesel fuel in New York State may be negatively impacted. Businesses involved in the manufacturing of electric vehicle batteries, fuel-cell technologies, and electric vehicle parts are likely to be positively impacted. Businesses involved in installation, maintenance, and repair of electric vehicle charging infrastructure and hydrogen fueling infrastructure are likely to be positively impacted.

The ACT regulation would take effect beginning with MY 2025 for vehicles with GVWR greater than 8,500 lbs. The sales requirements would increase annually until MY 2035. Entities subject to the one-time large entity reporting requirement would be required to report by April 1, 2023.

Regulatory Flexibility Analysis

1. Effect of rule:

The New York State Department of Environmental Conservation (Department) is adopting amendments to 6 NYCRR Section 200.9 and 6 NYCRR Part 218 to incorporate California's Advanced Clean Truck (ACT) standards for medium- and heavy-duty trucks, which became effective March 15, 2021 in California. These changes apply to manufacturers' requirements for the manufacture and sale of medium- and heavy-duty zero emission vehicles (ZEVs) sold in New York. The proposed revisions may have an adverse impact on businesses involved in manufacturing, selling, servicing, or purchasing medium- and heavy-duty vehicles.

State and local governments are also consumers of medium- and heavy-duty vehicles that will be regulated under the adopted amendments. Therefore, local governments who own or operate vehicles in New York State are subject to the same requirements as owners of private vehicles in New York State. The adopted changes are revisions to the current low emission vehicle (LEV) standards. New York State has had the California on-road motor vehicle emissions program in effect since model year 1993 for passenger cars and light-duty trucks, with the exception of model year 1995, medium-duty vehicles since model year 2004, and heavy-duty vehicles for model years 2005 through 2007 and the Department is unaware of any adverse impact to small businesses or local governments as a result of previous revisions. Section 177 of the federal Clean Air Act requires New York to maintain standards identical to California's in order to maintain the LEV program.

2. Compliance requirements:

There are no specific requirements in the proposed regulation which apply exclusively to small businesses. Local governments may be subject to the one-time large entity reporting requirement if they operate at least one medium- or heavy-duty vehicle. The large entity reporting requirements are effective statewide. Medium- and heavy-duty vehicle manufacturers will be required to submit annual compliance reports to the Department to demonstrate compliance with the proposed regulations. The reporting requirements are expected to be similar to existing light-duty reporting requirements. Professional services are not anticipated to be necessary to comply with the rules.

3. Professional services:

There are no professional services needed by small business or local government to comply with the adopted rule.

4. Compliance costs:

The proposed amendments include a one-time large entity reporting requirement that applies to large fleet owners, government agencies, and companies that contract for transportation related services. The extent of reporting will vary based on size of the company and truck ownership. Businesses with a single facility category and with few vehicles can expect to complete their reporting in 4 to 10 hours. Businesses with a moderate amount of facilities and vehicles can expect to complete their reporting in 20 to 30 hours. Businesses with a large amount of facilities can expect to complete their reporting in approximately 40 hours. The cost to the business is expected to be the number of hours expected multiplied by the cost for staffing per hour and the lost revenue from the employee assigned to collect information. The cost of the one-time large entity reporting for all New York entities combined is estimated to be approximately \$4.8 million.

New York State currently maintains personnel and equipment to administer the LEV program. No additional costs will be incurred by local governments for the administration of this program.

5. Economic and technological feasibility:

Most commercial medium- and heavy-duty vehicles operate less than 100 miles per day and operate from fixed locations. There are numerous models of medium- and heavy-duty zero-emission vans, trucks and buses from several manufacturers currently available, which are ideally suited to serve local and last-mile operations. It is expected that a growing number of ZEVs across all vehicle classes will become suitable for more applications as technology advances.

The proposed amendments would reduce costs to the state's overall trucking fleet as the savings from reduced operational costs of ZEVs significantly outweigh the higher upfront vehicle purchase price (without application of incentives) and infrastructure costs. For battery-electric vehicles, the total cost of ownership is lower compared to diesel vehicles. Cost parity is anticipated to be achieved for a growing number of classes by 2035 as battery prices fall and technology improves. Incentives are currently available to offset some or all of the higher vehicle capital costs and some of the early infrastructure costs to help fleets begin transitioning to ZEVs now.

Several funding programs are available to support the use of advanced technologies administered by state agencies, federal agencies, and local air districts. Two such programs are the New York Truck Voucher Incentive Program (NYTVIP) administered by the New York State Energy and Research Development Authority and the New York City Clean Trucks Program administered by the New York City Department of Transportation. Currently, NYTVIP offers vouchers, or discounts to the initial purchase price, to eligible New York fleets that purchase Class 4-8 battery-electric and fuel cell vehicles. Vouchers for battery-electric and fuel cell vehicles currently cover 95 percent of the incremental cost of the electric vehicle. The incremental cost is the cost difference between the ZEV and a comparable diesel vehicle, up to a certain cap depending on vehicle class, per vehicle.

The New York City Clean Trucks Program also offers rebate incentives for Class 4-8 heavy-duty battery-electric vehicles that would be registered in the nine county New York Metropolitan Area and operated within, or near, New York City Industrial Business Zones that are located near disadvantaged communities. The New York City Clean Trucks Program electric vehicle incentives are aligned with NYTVIP.

The New York Public Service Commission has also approved a Medium- and Heavy-Duty Fleet Make-Ready Pilot Program. The Pilot Program focuses on disadvantaged communities and offers incentives to mitigate the cost of developing Electric Vehicle charging capacity for qualifying medium- and heavy-duty vehicle fleets. The incentives cover up to 90 percent of the utility-side make-ready costs.

6. Minimizing adverse impact:

The proposed changes apply statewide. The regulation attempts to minimize adverse impacts on medium- and heavy-duty vehicle manufacturers by offering various compliance flexibility mechanisms. These include weight class modifiers, near zero emission vehicle (NZEV) credit provisions, and credit averaging-banking-trading (ABT) programs. The weight class modifier provides flexibility allowing manufacturers to produce more ZEVs in one vehicle class to avoid having to produce a small number of ZEVs in other groups. Credit is also given for NZEVs through model year 2035. Credits may be banked, traded, and sold among vehicle classes and to other manufacturers. The regulation is not expected to have adverse impacts on medium- and heavy-duty vehicle dealers. The Department is minimizing the reporting requirement for large entities that own or operate medium- and heavy-duty vehicles by requiring entities to only report once.

There will be no adverse impact on local governments who own or operate vehicles in the state because they are subject to the same requirements as those imposed on owners of private vehicles. This rulemaking is not a local government mandate pursuant to Executive Order 17. This regulation contains exemptions for emergency vehicles, and military tactical vehicles and equipment.

7. Small business and local government participation:

The Department plans on holding a virtual public hearing after the amendments are proposed. Small businesses and local governments will have the opportunity to attend this public hearing. Additionally, there will be a public comment period in which interested parties can submit written comments.

8. For rules that either establish or modify a violation or penalties associated with a violation:

In accordance with NYS State Administrative Procedures Act (SAPA) Section 202-b, this rulemaking does not include a cure period because the Department is undertaking this rulemaking to maintain identity with Section 177 of the Clean Air Act.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The New York State Department of Environmental Conservation (Department) is adopting amendments to 6 NYCRR Section 200.9 and 6 NYCRR Part 218 to incorporate California's Advanced Clean Truck (ACT) standards for medium- and heavy-duty trucks, which became effective March 15, 2021 in California.

There are no requirements in the adopted regulation which apply only to rural areas. These changes apply to manufacturers' requirements for the manufacture and sale of medium- and heavy-duty zero emission vehicles (ZEVs) sold in New York. The proposed revisions may have an adverse impact on businesses involved in manufacturing, selling, servicing, or purchasing medium- and heavy-duty vehicles.

The adopted changes are revisions to the current low emission vehicles (LEV) standards. New York State has had the California on-road motor vehicle emissions program in effect since model year 1993 for passenger cars and light-duty trucks, with the exception of model year 1995, medium-duty vehicles since model year 2004, and heavy-duty vehicles for model years 2005 through 2007; the Department is unaware of any adverse impact to rural areas as a result. The beneficial emission reductions from the program accrue to all areas of the state.

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

There are no specific requirements in the proposed regulation which apply exclusively to rural areas. Under the proposed amendments, large entities that operate medium and heavy-duty trucks in New York would be required to submit a one-time reporting requirement of aggregated and binned data for representative facilities. Entities would also be able to report binned, representative information about the vehicle types owned. Large entities would include, but not be limited to; retailers, manufacturers, refiners, hotels, drayage terminal operators, utility providers, refuse companies, federal, state, and local government agencies, and other types of large employers. Professional services are not anticipated to be necessary to comply with the proposed rules.

Medium- and heavy-duty vehicle manufacturers will be required to submit annual compliance reports to the Department to demonstrate compliance with the proposed regulations. The reporting requirements are expected to be similar to existing light-duty reporting requirements. Professional services are not anticipated to be necessary to comply with the rules.

3. Costs:

The adopted revisions are expected to result in additional costs for New York State consumers of medium- and heavy-duty vehicles. The one-time large entity reporting requirement is estimated to have a total cost of \$4.8 million for all subject entities in New York State. Consumers of medium- and heavy-duty vehicles will also face increased upfront purchase costs for new zero emission vehicles, primarily from the cost of battery packs. Increased purchase costs are expected to be offset in part by state and federal purchase rebates and reduced operation and maintenance costs relative to gasoline and diesel fueled vehicles. Medium- and heavy-duty vehicles are anticipated to achieve cost parity with conventionally fueled vehicles by 2035 without state or federal rebates.

Medium- and heavy-duty vehicle manufacturers will likely see increased costs to produce and deliver compliant vehicles to the New York market. These costs are anticipated to be passed thought to consumers in the form of increased purchase prices. Dealerships will be required to ensure that the vehicles they sell are California certified. Starting with the 1993 model year for light-duty vehicles, the 2004 model year for medium-duty vehicles, and the 2005 model year for heavy-duty vehicles, most manufacturers have included provisions in their ordering mechanisms to ensure that only California certified vehicles are shipped to New York dealers. The implementation of the regulation is not expected to be burdensome in terms of additional reporting requirements for dealers.

4. Minimizing adverse impact:

The proposed changes apply statewide. The regulation attempts to minimize adverse impacts on medium- and heavy-duty vehicle manufacturers by offering various compliance flexibility mechanisms. These include weight class modifiers, near zero emission vehicle (NZEV) credit provisions, and credit averaging-banking-trading (ABT) programs. The weight class modifier provides flexibility allowing manufacturers to produce more ZEVs in one vehicle class to avoid having to produce a small number of ZEVs in other groups. Credit is also given for NZEVs through model year 2035. Credits may be banked, traded, and sold among vehicle classes and to other manufacturers. The regulation is not expected to have adverse impacts on medium- and heavy-duty vehicle dealers. The Department is minimizing the reporting requirement for large entities that own or operate medium- and heavy-duty vehicles by requiring entities to only report once.

5. Rural area participation:

The Department plans on holding a virtual public hearing to provide information on the proposed regulation and solicit public comments. Additionally, there will be a public comment period in which interested parties can submit written comments.

Job Impact Statement

1. Nature of Impact:

The New York State Department of Environmental Conservation (Department) is adopting amendments to 6 NYCRR Section 200.9 and 6 NYCRR Part 218 to incorporate California's Advanced Clean Truck (ACT) standards for medium- and heavy-duty trucks, which became effective March 15, 2021 in California.

The proposed amendments to the regulations may adversely impact jobs and employment opportunities in New York State. New York State has had the California on-road motor vehicle emissions program in effect since model year 1993 for passenger cars and light-duty trucks, with the

exception of model year 1995, medium-duty vehicles since model year 2004, and heavy-duty vehicles for model years 2005 through 2007. The Department is unaware of any significant adverse impact to jobs and employment opportunities as a result of previous revisions.

2. Categories and numbers affected:

The proposed revisions may have an adverse impact on businesses involved in manufacturing, selling, servicing, or purchasing medium- and heavy-duty vehicles. Medium- and heavy-duty vehicle manufacturers are expected to incur costs to comply with the regulation. The proposal will require an increasing percentage of annual medium- and heavy-duty vehicle sales be zero emission vehicles (ZEVs) for model years 2025 through 2035. There is currently little, or no, medium- and heavy-duty vehicle manufacturing in New York State. As a result, no significant job losses in this sector are expected within the State. Most, if not all, medium- and heavy-duty vehicle manufacturers will have to allocate resources to produce a greater quantity of California compliant zero emission medium- and heavy-duty vehicles to supply the New York market along with associated record keeping, reporting, and warranty costs.

Dealerships will be able to sell California certified vehicles to buyers from states bordering New York. Since vehicles must be California certified in order to be registered in New York, New York residents will not be able to buy non-complying vehicles out-of-state but may be able to buy complying vehicles out-of-state. These businesses compete within the state and generally are not subject to competition from out-of-state businesses. Therefore, the regulation is not expected to impose a competitive disadvantage on affiliated businesses, and there would be no change from the current relationship with out-of-state businesses.

Ancillary businesses such as gas stations, repair shops, and parts retailers may be adversely impacted as the medium- and heavy-duty vehicle fleet transitions from gasoline and diesel fueled internal combustion engines to battery electric and other zero emission propulsion systems. It is anticipated that any losses in these sectors will be offset by increased employment opportunities in fields related to electric vehicle charging infrastructure and training technicians to service new medium- and heavy-duty ZEVs.

3. Regions of adverse impact:

None.

4. Minimizing adverse impact:

The regulation attempts to minimize adverse impacts on medium- and heavy-duty vehicle manufacturers by offering various compliance flexibility mechanisms. These include weight class modifiers, near zero emission vehicle (NZEV) credit provisions, and credit averaging-banking-trading (ABT) programs. The weight class modifier provides flexibility allowing manufacturers to produce more ZEVs in one vehicle class to avoid having to produce a small number of ZEVs in other groups. Credit is also given for NZEVs through model year 2035. Credits may be banked, traded, and sold among vehicle classes and to other manufacturers.

The regulation is not expected to have adverse impacts on medium- and heavy-duty vehicle dealers. Dealerships will be required to ensure that the vehicles they sell are California certified. Starting with the 1993 model year for light-duty vehicles, the 2004 model year for medium-duty vehicles, and the 2005 model year for heavy-duty vehicles, most manufacturers have included provisions in their ordering mechanisms to ensure that only California certified vehicles are shipped to New York dealers. The implementation of the regulation is not expected to be burdensome in terms of additional reporting requirements for dealers. There would be no change in the competitive relationship with out-of-state businesses.

5. Self-employment opportunities:

None that the Department is aware of at this time.

Action taken: Amendment of sections 4043.2(b) and 4120.2(b) of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19), 301(1) and (2)

Subject: Lasix administrations on race day.

Purpose: To enhance the safety and integrity of pari-mutuel racing.

Text or summary was published in the March 3, 2021 issue of the Register, I.D. No. SGC-09-21-00014-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

Three comments were received from private practicing veterinarians at Finger Lakes Racetrack. These were from Bryan Hobson, Brendan Worrell and Robin Zack, who works with Dr. Hobson. Another comment was received from Beth Albrecht, chief examining veterinarian employed by Finger Lakes. All four suggested that rules for Finger Lakes should be different than other racetracks due to unique circumstances, such as the difficulty in recruiting veterinarians to work on-track or the lack of familiarity by a third-party with the horses to be treated. The three private practicing veterinarians also raised financial considerations, indicating that their practices relied upon the revenue derived from Lasix administration and that the loss of revenue might make their respective practices unsustainable. These three also suggested the State authorize third-party verification, wherein a third-party accompanies the private veterinarian during the veterinarian's rounds to observe the administration and verify that no wrongdoing occurs. In addition, Dr. Hobson's comment indicated disagreement with the Commission's language in the Regulatory Impact Statement included in the published proposed rulemaking.

The Commission notes that the third-party Lasix administration standard has been adopted by numerous states and notes that while a verification system is used in five jurisdictions (Minnesota, Indiana, Illinois, West Virginia and Washington state), three of those states (Minnesota, Illinois, Washington) simply require the administering veterinarian to swear that appropriate administration occurred, while the remaining two (Indiana and West Virginia) require the administration to occur before a regulatory official.

The Commission recognizes the potential financial implications and suggests that the three comments from private-practice veterinarians underscore the necessity for the third-party administration, because a business model that places a veterinarian's entire practice in jeopardy due to the loss of income from race-day medication is unsustainable, conflicts with the current nation-wide industry philosophy of medication reform and is not ultimately in the best long-term interest of the sport. The Commission also notes that with the impending establishment of the federal Horseracing Integrity and Safety Authority, the future general use of Lasix appears likely to be limited.

The Commission disagrees with Dr. Hobson and stands by its explanatory information provided in the Regulatory Impact Statement.

Vieden Zahariev, the assistant general manager of Finger Lakes Racetrack, submitted a comment. Mr. Zahariev made a financial argument against the proposal, indicating that the financial burden of independent veterinarians or veterinary technicians would provide no significant benefit. Mr. Zahariev also argued that third-party Lasix administration monitoring would be sufficient, noting that in 2019 the National Thoroughbred Racing Association ("NTRA") recommended this third-party monitoring as an option in a review of Finger Lakes.

The Commission believes that Mr. Zahariev is overbroad in his statement about the NTRA. The Commission reviewed the 2019 NTRA Safety Audit and finds the NTRA did not endorse the Finger Lakes monitoring practice and specifically raised concern that Finger Lakes veterinarians all provided varying descriptions of how their monitoring programs worked, noting that the explanation provided by two veterinarians were "completely incorrect."

The Commission notes that third-party Lasix administration monitoring is not authorized in either the National Uniform Medication Program or the ARCI Model Rule. The Commission further notes that the NTRA has representation on the RMTTC, with the NTRA's president and chief executive officer serving in the capacity of RMTTC chair, which suggests a conflict in interpretation is unlikely.

Peter Kanter, the racetrack veterinarian at Buffalo Raceway and Batavia Downs, questioned the need for the rule and raised a concern that adoption of the rule could prohibit him from performing surgery.

New York State Gaming Commission

NOTICE OF ADOPTION

Lasix Administrations on Race Day

I.D. No. SGC-09-21-00014-A

Filing No. 909

Filing Date: 2021-08-19

Effective Date: 2021-10-08

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

The Commission believes the purpose for the rule proposal is clear and necessary and notes that the rule allows urgent veterinary care by a track veterinarian made available by the racetrack operator. The Commission does not believe that adoption of this rule will prohibit Dr. Kanter from performing surgery.

The New York Thoroughbred Horsemen's Association, through its Executive Director Will Alempijevic, provided a comment expressing support for the proposed rulemaking.

Department of Health

NOTICE OF ADOPTION

Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)

I.D. No. HLT-28-20-00019-A

Filing No. 908

Filing Date: 2021-08-18

Effective Date: 2021-11-08

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

Action taken: Amendment of sections 505.14 and 505.28 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 363-a, 365-a(2)(e), 365-f(5)(b); Public Health Law, sections 201(1)(v) and 206(1)(f)

Subject: Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP).

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

Substance of final rule: The proposed rulemaking would amend 18 NYCRR § 505.14, related to personal care services (PCS), and 18 NYCRR § 505.28, related to consumer directed personal assistance program services (CDPAS), to implement recent statutory changes resulting from recommendations of the Medicaid Redesign Team II as adopted in the State Fiscal Year 2020-21 Enacted Budget and to make other conforming changes.

Section 505.14(a)(1) is amended to align the "personal care services" definition with statutory requirements that such services be ordered by a qualified and independent practitioner, and not the individual's attending physician.

Section 505.14(a)(3)(iii) is amended to fully align the scope of services with local social services departments (LDSSs) and Medicaid Managed Care Organizations (MMCOs) evaluation responsibilities. Both LDSSs and MMCOs must evaluate the cost effectiveness of the provision of services relative to other services and supports available to the individual. Services may not be provided if they are not cost-effective in comparison to other appropriate alternatives.

Sections 505.14(a)(3)(iv), (a)(9) and 505.28(b)(1), (b)(14), (c)(8) are added to update the scope and needs requirements for PCS and CDPAS. Consistent with statutory requirements, recipients would need to demonstrate a minimum need for assistance with activities of daily living (ADL) before such services may be authorized. Specifically, individuals with dementia or Alzheimer's must need at least supervision with more than one ADL, and all others must need at least limited assistance with physical maneuvering with more than two ADLs.

Subparagraph 505.14(a)(5)(iii) is added to clarify and codify existing Department of Health policy that supervision and cueing may be provided as a means of assisting an individual to perform nutritional and environmental support functions or personal care functions, but are not a standalone personal care service, and may not be authorized, paid for or reimbursed, except if they are provided to assist with one of the enumerated functions in section 505.14(a)(5)(ii).

Sections 505.14(a)(7) and 505.28(b)(12) are added to define the term "Medicaid Managed Care Organization (MMCO)." The proposed regulations add express references to MMCOs, in addition to existing references to LDSSs. Except where the amendments would implement new requirements and procedures, the addition of MMCOs acts to codify existing policies and practices with respect to MMCOs and the provision of PCS and CDPAS, such as those based on Federal regulations, the Department of Health's model contract requirements, and Department guidance. The term MMCO does not include an entity approved to operate a Program of All-inclusive Care for the Elderly (PACE) organization.

Section 505.14(a)(8) is added to provide a definition for "medical assistance" or "Medicaid" or "MA" to clarify that these terms as used throughout the regulation refer to the same program.

Section 505.28(b)(4) is amended to align the definition of "consumer directed personal assistant" with State law.

Section 505.28(b)(5) is added to provide a definition for "consumer directed personal assistance program" or "consumer directed program" or "the program" to clarify that these terms as used throughout the regulation refer to the same program.

Section 505.28(b)(15) amends the definition for "self-directing consumer" to include the capability of performing the consumer responsibilities outlined in section 505.28(g).

Section 505.14(b)(1) and the opening paragraph of section 505.28(d) provide an overview of the assessment process, which include an independent assessment, a medical examination and practitioner order, an evaluation of the need and cost-effectiveness of services, the development of the plan of care, and, when required, an additional independent medical review for high needs cases. The paragraph further provides for how portions of the process may be conducted through telehealth modalities.

Sections 505.14(b)(2)(i) and 505.28(d)(1) describe the independent assessment which is performed by an independent assessor as opposed to the LDSS or MMCO. The independent assessment contains most of the elements of the current social and nursing assessments. Other portions of the current social and nursing assessments have either become unnecessary or remain the responsibility of the LDSS or MMCO to perform. For example, the nursing assessment requirements to review the practitioner order and document the primary diagnosis code have become moot because, under the proposed regulation, the medical examination that leads to a practitioner order will occur after the independent assessment.

Sections 505.14(b)(2)(ii) and 505.28(d)(2) describe the independent medical examination and practitioner order. Most of the examination and practitioner order requirements remain the same, such as the licensure, documentation, and practitioner signature requirements. However, the medical professionals who perform the examination and sign the practitioner order must be employed by or contracted with an entity designated by the Department of Health. Consequently, the 30-day deadline for the order to be provided after the examination has been eliminated. Also, as required by statute, the medical professionals who perform the examination and sign the practitioner order must be independent, meaning that they must not have a prior established provider-patient relationship with the individual.

Sections 505.14(b)(2)(iii) and 505.28(d)(3) describe the LDSS or MMCO responsibilities related to the assessment process. The LDSS or MMCO remain responsible for significant portions of the current assessment process requirements, including a) the review of other available services and supports to determine cost-effectiveness, b) determining frequency of nursing supervision, c) determining the individual's preferences and social and cultural considerations for the receipt of care; d) heightened documentation requirements for 24-hour cases, and e) the development of the plan of care. In addition, before developing a plan of care or authorizing services, the LDSS or MMCO must review the independent assessment and practitioner order by the independent assessor and independent medical professional. Also, prior to authorizing more than 12 hours of services per day on average, the LDSS or MMCO must refer the case to the independent review panel, for an additional independent medical review of the individual and plan of care, and must consider the recommendation of the independent review panel when finalizing the plan of care and in its decision to authorize such services.

Sections 505.14(b)(2)(iv) and 505.28(d)(4) are added to require the LDSS or MMCO to coordinate with the entity or entities providing independent assessment and practitioner services. These sections also describe the process for resolving mistakes and clinical disagreements in the assessment process, as well as sanctions for failure to cooperate and abuse of the resolution process.

Sections 505.14(b)(2)(v) and 505.28(d)(5) describe the revised independent medical review process. Under the revised process, an independent medical review must be obtained when the LDSS or MMCO proposes to authorize more than 12 hours of services per day on average. The review is performed by an independent panel of medical professionals, and coordinated by a lead physician. The lead physician cannot be the practitioner who was involved in the initial examination or practitioner order. The lead physician, or another member of the panel, may evaluate the individual, consult with other providers and individuals, and obtain other medical records that may be relevant to the panel's recommendation. When the independent medical review is complete, the lead physician shall produce a report to the LDSS or MMCO providing the panel's recommendation on whether the plan of care is reasonable and appropriate to maintain the individual's health and safety in his or her home. The recommendation may not include a specific amount or change in amount of services.

Sections 505.14(b)(3)(i) and 505.28(g)(1) require the independent assessment and practitioner order processes to be completed at least annually and in sufficient time to allow LDSSs and MMCOs to, when needed, comply with all applicable federal and state time frames for notice and determination of services.

Sections 505.14(b)(3)(ii) and 505.28(g)(2) require that all determinations by the LDSS must be made with reasonable promptness, not to exceed seven business days after receipt of both the independent assessment and practitioner order, or the independent review panel recommendation if applicable, except as provided under the immediate need process.

Sections 505.14(b)(3)(iii) and 505.28(g)(3) provide that MMCOs must make a determination and provide notice to current enrollees within the timeframes provided in their contract with the Department of Health, or as otherwise required by Federal or state statute or regulation.

Sections 505.14(b)(4)(i), (ii) and 505.28(e)(1)(i), (ii) are added to provide that an individual's eligibility for services must be established prior to authorization, and that authorization must occur prior to the provision of services.

Sections 505.14(b)(4)(iii) and 505.28(e)(1)(iii) are added to provide that the authorization and reauthorization of services must be based on and reflect the assessment process and any exceptions to that process applicable to reauthorizations.

Section 505.28(e)(1)(v) is added to prohibit the authorization of services provided through more than one fiscal intermediary per consumer.

Sections 505.14(b)(4)(vi) and 505.28(e)(4) are added to require the LDSS or MMCO to consider the recommendation of the independent review panel prior to authorizing more than 12 hours of services.

Sections 505.14(b)(4)(viii)(b) and 505.28(i)(4) are amended to provide the Department of Health greater flexibility in determining when the LDSS or MMCO must use Department-developed forms in providing notice of service authorization, reauthorization, increase, decrease, discontinuance or denial.

Sections 505.14(b)(4)(viii)(c)(1) and 505.28(i)(4)(iii) are added to require LDSSs or MMCOs to document in the notice and plan of care the factors and clinical rationale specific to the client that went into the medical necessity determination that PCS or CDPAS should be denied, reduced, or discontinued.

Sections 505.14(b)(4)(viii)(c)(2)(vi) and (3)(iv) and 505.28(i)(4)(i)(e) and (ii)(d) are amended to clarify and provide examples of technological developments that may obviate the need for PCS or CDPAS.

Sections 505.14(b)(4)(viii)(c)(2)(i) and 505.28(i)(4)(ii)(a) are amended to clarify that a denial may be made if the client's health and safety cannot be "reasonably" assured with the provision of personal care services or consumer directed personal assistance.

Sections 505.14(b)(4)(viii)(c)(2)(vii) and 505.14(b)(4)(viii)(c)(3)(v) are amended to clarify that a denial may be made or services may be reduced or discontinued on the basis of residence in a facility if the client is not seeking to transition into a less restrictive setting or whose health and safety cannot be reasonably assured in such setting.

Sections 505.14(b)(4)(viii)(c)(3)(i) and 505.28(i)(4)(iii)(a) are amended to provide that services may be reduced or discontinued in cases where voluntary informal supports that are acceptable to the client have become available to meet some or all of the client's needs.

Sections 505.14(b)(4)(viii)(c)(2)(ix) and (b)(4)(viii)(c)(3)(vii) and 505.28(i)(4)(i)(g), (i)(4)(i)(h), (i)(4)(ii)(g), and (i)(4)(ii)(h) are added to provide additional examples for denying, reducing, or discontinuing services. Section 505.28(i) is also amended to remove the requirement to notify those receiving other home care services about CDPAS in alignment with State law.

Sections 505.14(b)(4)(xi), (b)(4)(xii), and (b)(4)(vii) and 505.28(f)(1)(i), (f)(2), and (e)(5) are amended to clarify and align the required reassessment procedures when reauthorizing services under the new assessment process. In particular, an independent assessment and practitioner order are not needed to reauthorize services provided that they occur annually, rather than every six months, to maintain authorization or for another enumerated reason.

Sections 505.14(b)(4)(xiii) and 505.28(f)(3) are added to provide that the LDSS or MMCO shall document any changes in an individual's need for services in the plan of care, and consider and make any necessary authorization changes.

Sections 505.14(b)(6) and (7) and 505.28(l) align the immediate need process with the new assessment process. An individual must first provide to the LDSS a statement of need for personal care services from a physician with direct knowledge of the applicant's condition and an attestation of immediate need, before the individual is considered to have an immediate need.

Sections 505.14(b)(8) and 505.28(m) are added to allow the Department of Health to permit the current assessment process to continue until such time as the independent assessment and practitioner services are established at capacity or if the Department has not contracted with or

designated an entity to provide independent assessment and practitioner services.

Section 505.14(c) is amended to remove the requirement for LDSSs to maintain contracts for the provision of nursing services.

Section 505.14(f)(3)(vi) is amended to remove references to the nursing assessment and clarify that the LDSS and MMCO are responsible for determining nursing supervision frequency.

Section 505.14(g) is amended to remove from case management responsibilities related to the coordination and performance of the practitioner order and the social and nursing assessments, and align requirements with the new assessment process.

Section 505.28(h)(2) requires consumer designated representatives to make themselves available to ensure that they can carry out the consumer responsibilities, and must be present at scheduled assessments or visits for nonself-directing consumers.

Section 505.28(h)(3) prohibits consumers from working with more than one fiscal intermediary at a time.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 505.14(a)(5), (b)(2), (4), (8), 505.28(b)(9), (d)(1), (4), (i)(2), (4) and (m).

Revised rule making(s) were previously published in the State Register on January 27, 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

Revised Regulatory Impact Statement

Statutory Authority:

Social Services Law ("SSL") § 363-a and Public Health Law ("PHL") §§ 201(1)(v) and 206(1)(f) provide that the Department of Health ("Department") is the single state agency responsible for supervising the administration of the State's medical assistance ("Medicaid") program and for adopting such regulations, not inconsistent with law, as may be necessary to implement and enforce the standards of the Medicaid program. SSL § 365-a(2) authorizes Medicaid coverage for specified medical care, services and supplies, together with such medical care, services and supplies as authorized in the regulations of the Department. Under SSL § 365-a(2)(e) and § 365-f, respectively, the Medicaid program includes personal care services ("PCS") and consumer directed personal assistance services ("CDPAS"). Finally, under SSL § 364-j and PHL Article 44, the Department may contract with Medicaid Managed Care Organizations ("MMCOs") to provide Medicaid services to enrollees, which the Department has done for PCS and CDPAS.

Legislative Objectives:

SSL § 365-a(2) authorizes Medicaid coverage for specified medical care, services and supplies, together with such medical care, services and supplies as authorized in the regulations of the Department. Under SSL § 365-a(2)(e) and § 365-f, respectively, the Medicaid program includes PCS and CDPAS. Based upon recommendations of the Medicaid Redesign Team II ("MRT II"), the 2020-21 budget (Chapter 56 of the Laws of 2020, Part MM) amended SSL § 365-a, § 365-f and PHL Article 44 to improve the provision of Medicaid funded PCS and CDPAS. As amended, these provisions link the eligibility criteria for CDPAS and PCS to the performance of activities of daily living ("ADLs") so services are authorized for those that need them the most, require the establishment of an independent assessor to take over the performance of assessments and reassessments required for determining individuals' needs for such services, require an independent practitioner's order to access PCS, ensure that such services are furnished to the extent medically necessary to maintain a member's health and safety in his or her home, require that the standards established for the provision, management or assessment of such services meet that standards set forth in *Olmstead v. LC* by Zimring, 527 US 581 (1999), and provide relief for members who need access to such services by modifying the frequency in which assessments and authorizations for services are conducted.

Needs and Benefits:

The Department has promulgated regulations governing PCS at 18 NYCRR § 505.14 and CDPAS at 18 NYCRR § 505.28. Amendments to these regulations are essential to implementing requirements of the State Fiscal Year 2020-21 Enacted Budget (Chapter 56 of the Laws of 2020, Part MM) and MRT II long term care reform proposals, which include instituting new eligibility requirements, establishing an independent assessor, reducing the frequency of assessment from semi-annual to annual, centralizing practitioner orders and establishing an independent clinical review for high need cases to ensure that recipients receive the care they need to remain safely in the community. These amendments will help ensure Medicaid beneficiaries receive PCS and CDPAS that are required to appropriately meet their clinical needs as determined by the updated assessment and authorization process and documented in the plan of care.

By centralizing many of the functions of the assessment process and making them independent of the LDSS or MMCO responsible for authorizing services, the changes will bring efficiencies and consistency to the approval of PCS and CDPAS, and promote clinically appropriate outcomes. In particular, the review of high needs cases by an independent panel of medical professionals will help ensure that plans of care are reasonable and appropriate to safely service individuals in the community. Accordingly, this proposal will better facilitate access to PCS and CDPAS for people with disabilities who with the provision of such services are capable of safely remaining in the community in accordance with the standards set forth in *Olmstead v. L.C.*, 527 U.S. 581 (1999).

The proposed regulations will further align the PCS and CDPAS regulations, which share many of the same or similar requirements, but historically have diverged in their drafting. This alignment will help to clarify the requirements for these benefits, which should lead to greater consistency in the assessment, authorization, and provision of services.

Proposed amendments to modernize the language are also included. Over the last decade, with the transition to mandatory enrollment into MMCOs, the majority of medical assistance recipients now receive most of their benefits through MMCOs, including community based long term care services. Although regulations in 18 NYCRR Part 505 are currently cast as requirements on LDSSs, contracts between the Department and MMCOs provide that services covered by MMCOs must comply with the terms of the New York State Medicaid Plan, established pursuant to SSL § 363-a, the Department's regulations, and other applicable requirements. This contractual integration has meant that medical assistance service requirements, as outlined in 18 NYCRR Part 505 and throughout the Department's regulations, generally apply to MMCOs even when MMCOs are not specifically referenced in the regulation.

By introducing references to MMCOs directly in 18 NYCRR §§ 505.14 and 505.28, the Department is dictating more directly how these regulatory provisions apply to MMCOs, and where there may be differences in application of the rules between LDSSs and MMCOs. However, nothing in these amendments necessitates a change in the nature of MMCOs' contractual obligations under the model contracts. Requirements for the provision of covered services in 18 NYCRR Part 505 and throughout the Department's regulations still apply to MMCOs through the model contracts, even when they are not specifically referenced.

The Department is also proposing to clarify and reinforce documentation requirements, to ensure that authorizations, and any proposed changes to such authorizations, are well documented and can be supported in the care plan and medical record. The Department also proposes to clarify and add appropriate reasons and notice language to be used when a LDSS or MMCO denies, reduces or discontinues PCS or CDPAS. Together, these proposed regulations should assist LDSSs and MMCOs, as well as Administrative Law Judges, evaluate the appropriateness of PCS and CDPAS authorizations and changes thereto. This proposal should increase consistency of authorizations as well as the outcomes of an appeal or fair hearing process.

Costs:

Costs to Private Regulated Parties:

These regulatory amendments governing PCS at 18 NYCRR § 505.14 and CDPAS at 18 NYCRR § 505.28 do not impose any additional costs to regulated parties. In fact, in centralizing the assessment and practitioners' order process of authorizing PCS/CDPAS and reducing the assessment period to once a year absent any change in condition, the costs to private regulated parties is reduced. Furthermore, LDSS and MMCOs are already required to maintain and update plans of care and MMCOs are required to have an internal appeals process.

Costs to Local Government:

The proposed regulations require that social services districts refer Medicaid eligible individuals who may be eligible for long term care services and supports, including PCS and CDPAS, to the State's contracted independent assessor to complete the long term care assessment tool and, if necessary, obtain a practitioner's order for PCS or CDPAS. This relieves the LDSS from having to conduct initial and periodic reassessments and obtain a practitioners' order from the potential recipients' treating physician or other clinician. The proposed regulations do not impose any costs on local government.

Costs to the Department of Health:

The proposed regulations may result in minimal additional costs to the Department, which will be managed within existing resources.

Costs to Other State Agencies:

The proposed regulations will not result in any costs to other state agencies.

Local Government Mandates:

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

Paperwork:

The proposed regulatory amendments include clarifying changes to existing forms, but regulated parties are familiar with and already use such forms. The amendments do not impose any new forms, paperwork or reporting requirements.

Duplication:

These regulatory amendments do not duplicate existing State or Federal requirements.

Alternatives:

Based on public comments received, many alternatives have been considered by the Department. A few of those follow, and the complete list of alternatives considered is included in the Assessment of Public Comment, which is located on the Department's website.

The Department reviewed and rejected several proposed alternatives that would fail to implement the requirements of Chapter 56 of the Laws of 2020, Part MM, which establishes new minimum needs criteria for PCS and CDPAS and requires assessments to be performed by an independent assessor using an evidenced-based, validated assessment tool. Such suggestions included removal or modification to the minimum needs criteria and the maintenance of the assessment role with LDSS or MMCOs.

Many commenters suggested in various ways that the care planning process should reflect or include consumer preference. The Department agreed with these comments generally, and revised the LDSS and MMCO responsibilities to provide that consumer preferences must continue to be considered when developing the plan of care. However, the Department declined to duplicate the provisions of the federal regulations, as doing so is unnecessary because such requirements apply in their own right and because doing so may lead to unnecessary conflict and additional State administrative burden if and when federal requirements change.

The Department also considered and adopted suggestions to incorporate more specific procedures for coordination between the IA and the LDSS or MMCOs. The comments received on this point were many and varied. Some commenters were concerned that too much influence from LDSS or MMCOs would compromise the IA process, while others were concerned that a lack of feedback from the LDSS or MMCO could result in plans of care being developed that do not reflect the individual's needs. The Department believes that there was validity to both of these concerns, and strived to balance them in the revised regulations. The addition of set procedures for coordination and sanction provisions for abuse of these procedures reflects the best balance for addressing these concerns in the Department's view.

Another area of focus from commenters were the timeframes for the revised assessments and care planning processes. Comments were made about each step of the process, from the IA to the IRP. Some suggested that each step have its own specific timeframe, while others suggested that particular steps be waived in order to make timely service determinations. The Department has instead opted to require that the IA and Practitioner Order occur within sufficient time to allow the LDSS or MMCO to meet federal or State decision and notice timeframes. In addition, the Department has provided an exception to the prohibition on authorizing services for high needs cases prior to the IRP review and recommendation, to allow LDSS or MMCOs to meet federal and State timeframes, such as those for immediate need by providing a provisional authorization pending completion of the IRP report and final review by the LDSS or MMCO.

Federal Standards:

The proposed regulations do not duplicate or conflict with any Federal regulations.

Compliance Schedule:

The regulations will become effective on the 60th day following publication of a Notice of Adoption in the New York State Register.

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

Changes made to the last published rule do not necessitate revision to the previously published Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

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

A Notice of Proposed Rule Making was initially published in the State Register on July 15, 2020. A Notice of Revised Proposed Rule Making was later published in the State Register on January 27, 2021. During the public comment period for the Notice of Revised Proposed Rule Making, the Department of Health (the "Department") received comments from consumers of and individual advocates for personal care services ("PCS") or consumer directed personal assistance services ("CDPAS"); the Consumer Directed Personal Assistance Association of New York State; Center for Elder Law & Justice; Downstate New York ADAPT; Gurwin Certified Home Health Agency; the Home Care Association of New York

State; LeadingAge New York; the Legal Aid Society; New York City Human Resources Administration; the New York Health Plan Association; New York Legal Assistance Group; New York State Association of Health Care Providers; New York State Bar Association; The Nurse Practitioner Association New York State; Onondaga County; Paraprofessional Healthcare Institute, Inc.; and Vesta Healthcare.

All comments received were reviewed and evaluated.

No substantive changes have been made to the regulations in light of the comments received. Other clarifications and technical, non-substantive changes have been made:

Section 505.14(a)(5)(iii) was amended to clarify that the language should not be construed as prohibiting the authorization of services for times between intermittent unpredictable tasks, such as may be needed and practical to ensure assistance with night-time toileting.

Sections 505.14(b)(2)(iv)(d)(1) and 505.28(d)(4)(iv)(a) are amended to clarify that LDSS and MMCOs are only required to notify the independent assessor when mistakes identified in the assessment are material such that they would affect the amount, type, or duration of services authorized. Amendments to these sections also clarify that the new assessment performed shall be performed in the same manner as new assessments performed as a result of a material disagreement.

Sections 505.14(b)(2)(iv)(d)(3) and 505.28(d)(4)(iv)(c) are amended to clarify that the requirements to schedule a new assessment as a result of a disagreement is only invoked when the disagreement is material.

Sections 505.14(b)(4)(viii)(c)(1) and 505.28(i)(4)(i) are amended to more clearly align with existing provisions at 505.14(b)(4)(viii)(a). The changes clarify that the requirement to identify and document factors that demonstrate when services are not medical necessity applies to denials and is not limited to reductions or discontinuances.

Sections 505.14(b)(4)(viii)(c)(2)(i), (c)(2)(vii), (c)(3)(i), (c)(3)(v) and 505.28(i)(4)(ii)(a) are amended to align and clarify existing provisions in light of Department guidance. See Guidelines for the Provision of Personal Care Services in Medicaid Managed Care, May 31, 2013, at p. 7 (denial appropriate if "health and safety cannot be reasonably assured"), available at https://www.health.ny.gov/health_care/medicaid/redesign/docs/final_personal_care_guidelines.pdf.

Sections 505.14(b)(4)(viii)(c)(3)(i) and 505.28(i)(4)(iii)(a) are amended to align the reduction reason language related to the identification of informal supports to clarify that such supports must be acceptable to the client, in line with existing requirements under 505.14(b)(2)(i)(b)(3)(v) and 505.28(d)(1)(ii)(c)(5).

Sections 505.14(b)(8) and 505.28(m) are amended to align with each other and to clarify that other subdivisions of such sections could be read as they were as of 1/1/21, such as those needed to reimburse LDSS for case management.

Section 505.28(i)(2) is amended to clarify that the language applies to MMCOs as well as LDSS.

NOTICE OF ADOPTION

Surrogacy Programs and Assisted Reproduction Service Providers

I.D. No. HLT-09-21-00009-A

Filing No. 940

Filing Date: 2021-08-24

Effective Date: 2021-09-08

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

Action taken: Addition of Subpart 69-11 to Title 10 NYCRR.

Statutory authority: General Business Law, section 1404; Public Health Law, sections 2599-cc and 4365(4)

Subject: Surrogacy Programs and Assisted Reproduction Service Providers.

Purpose: To license and regulate surrogacy programs.

Substance of final rule: This regulation implements the provisions of Part L of Chapter 56 of the Laws of 2020 that are within the purview of the New York State Department of Health. Part L of Chapter 56 of the Laws of 2020, among other things, added Article 5 C to the Family Court Act (judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements), amended Public Health Law Article 42 (vital statistics), added a new Article 44 to the General Business Law (regulation of surrogacy programs and assisted reproduction service providers), added a new Article 25-B to the Public Health Law (gestational surrogacy), and amended Public Health Law Article 43 (anatomical gifts).

These new provisions of law are intended to establish a parent-child relationship where the child or children is/are conceived through assisted

reproduction ("Child"), and a gestational surrogate, an adult who is not an intended parent, enters into a surrogacy agreement to bear the Child resulting from an embryo formed using gametes other than the surrogate's. The Legislature directed the Department to regulate surrogacy programs and assisted reproduction service providers, the practice of gestational surrogacy, and the donation of ova to ensure the health and safety of the surrogate, the egg donor and the Child born under gestational surrogacy agreements, to ensure that the surrogacy agreement is ethical, and to ensure that surrogacy agreements are fair to the parties that enter into them.

This regulation provides a process for the licensing of surrogacy programs, the registration of gestational surrogacy assisted reproduction service providers, and the creation of a surrogacy registry and an ova registry. This regulation also implements the requirements for the Department of Health to establish gestational surrogacy guidelines and ova donation guidelines.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 69-11.7(a), (d) and 69-11.11(d).

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

Revised Regulatory Impact Statement

Statutory Authority:

Section 1404 of the General Business Law directs the Department of Health (Department) to promulgate regulations to implement the requirements of General Business Law Article 44 by regulating surrogacy programs and assisted reproduction service providers.

Section 2599-cc of the Public Health Law directs the Department to promulgate regulations on the practice of gestational surrogacy.

Section 4365(4) of the Public Health Law directs the Department to promulgate regulations on the donation of ova.

Legislative Objectives:

Part L of Chapter 56 of the Laws of 2020, among other things, added Article 5 C to the Family Court Act (judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements), amended Public Health Law Article 42 (vital statistics), added a new Article 44 to the General Business Law (regulation of surrogacy programs and assisted reproduction service providers), added a new Article 25-B to the Public Health Law (gestational surrogacy), and amended Public Health Law Article 43 (anatomical gifts).

These new provisions of law are intended to establish a child's relationship to his or her parents where the child is conceived through assisted reproduction, and a gestational surrogate, an adult who is not an intended parent, enters into a surrogacy agreement to bear the child resulting from an embryo formed using eggs other than their own. The Legislature directed the Department to regulate surrogacy programs and assisted reproduction service providers, the practice of gestational surrogacy, and the donation of ova to ensure the health and safety of the surrogate, the egg donor and the children born under gestational surrogacy agreements, to ensure that the surrogacy agreement is ethical, and to ensure that surrogacy agreements are fair to the parties that enter into them.

Needs and Benefits:

Licensing and regulation of surrogacy programs and assisted reproduction service providers will protect the donors, surrogates, and the children who are born under gestational surrogacy agreements. There have been documented cases in which the owners of businesses that broker surrogacy agreements have misappropriated and absconded with client funds and otherwise inadequately or negligently administered their programs to the detriment of their clients, including the donors and surrogates. These licensure requirements for surrogacy programs in New York State will reduce incompetence and fraud in the operation of businesses that arrange gestational surrogacy agreements.

Gestational surrogacy provides an opportunity for New Yorkers to become parents despite circumstances in which pregnancy is either biologically not possible or medically contraindicated. Although gestational surrogacy increases opportunities for family building, it also involves medical, psychosocial, fiscal and ethical considerations, as well as legal complexities. These regulations provide a framework to address these important considerations and establish protections for gestational surrogates and intended parents.

Costs:

Costs to Regulated Parties:

Surrogacy programs will have to pay a \$1,000 fee to become licensed and a \$200 annual renewal fee, and they will incur the costs of becoming licensed. Assisted reproduction service providers are already regulated as health care providers, and this regulation will not increase their costs significantly.

It is entirely voluntary to enter into a surrogacy agreement, and this regulation will not significantly affect the cost of doing so. Rather, this

regulation will help ensure that surrogacy agreements are commercially reasonable for payer and payee.

Costs to Local Governments:

Local governments will incur no costs under this regulation, as it will have no effect on the administration of local government.

Costs to the Department of Health:

The New York State Department of Health will devote the cost of approximately one grade 23 full time equivalent to the administration of this new program, which may be partially offset by the collection of surrogacy program licensing fees. The cost to the Department is the result of Laws of 2020, Chapter 56, Part L, not the implementation of the law with this regulation, which the Department is required to promulgate under Laws of 2020, Chapter 56, Part L.

Paperwork:

Individuals and entities wishing to become licensed as surrogacy programs under this regulation will be required to complete an application and provide information to the Department regarding their business. Surrogacy programs will be required to submit information to the Department in order for the Department to maintain the surrogacy registry, and assisted reproduction service providers will be required to register with the Department, submit information about the types and numbers of procedures performed in connection with gestational surrogacy agreements and submit information to the Department in order for the Department to maintain the ova donation registry. Such paperwork is the result of the Laws of 2020, Chapter 56, Part L, rather than these regulations.

Local Government Mandates:

This regulation imposes no mandates on local governments.

Duplication:

These regulatory amendments do not duplicate any New York State or federal rules.

Alternatives:

The alternative would be to not promulgate this regulation. However, this alternative would be contrary to Laws of 2020, Chapter 56, Part L, which requires the Department to promulgate this regulation. The regulation was written to impose the least burden on regulated parties and to reduce costs to the taxpayers, while protecting the health and safety of donors, surrogates, and the parties to surrogacy agreements, as well as the children who are born under surrogacy agreements.

Federal Standards:

There are no federal statutes or regulations that apply to the subject matter of this regulation.

Compliance Schedule:

The regulations will become effective upon publication of a Notice of Adoption in the New York State Register.

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

Changes made to the last published rule do not necessitate revision to the previously published Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

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

Assessment of Public Comment

The New York State Department of Health (the Department) received comments from entities and individuals regarding the proposed amendments to Title 10 of the New York Codes, Rules and Regulations that added a new Subpart 69-11, Surrogacy Programs and Assisted Reproduction Service Providers.

The proposed amendments implement provisions of the Child-Parent Security Act. The vast majority of the comments did not question the manner in which these regulations implemented the law. Rather, the comments proposed changes to the law itself, or in some cases changes to guidance and other informational material on the Department's website. In the final rule, the Department is not making any substantive changes to the proposed regulation.

State Liquor Authority

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Commencement of Administrative Disciplinary Proceedings Via Electronic Means

I.D. No. LQR-36-21-00002-P

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

Proposed Action: Amendment of sections 54.1, 54.2, 54.3, 54.6 and 80.6 of Title 9 NYCRR.

Statutory authority: Alcoholic Beverage Control Law, sections 119(2), (3); State Administrative Procedure Act, sections 201 and 301(3)

Subject: Commencement of administrative disciplinary proceedings via electronic means.

Purpose: To modernize outdated administrative disciplinary procedures to provide for service of pleadings via electronic means.

Public hearing(s) will be held at: 10:00 a.m., Nov. 10, 2021 at 80 South Swan Street, Albany, NY.

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.

Text of proposed rule: Sections 54.1, 54.2, 54.3, 54.6 and 80.6 of Title 9, Subtitle B, of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR), are hereby amended to read as follows:

54.1 Commencement of proceedings.

(a) Disciplinary proceedings shall be commenced by serving a notice of pleading on the licensee. Such notice shall be deemed to have been duly served if:

(1) [delivered in person or if] sent by registered or certified mail to the licensee addressed to the licensed premises and a copy thereof sent by first class mail to the residence of record of the licensee or of any officer or director of a corporate licensee, or any general partner of a partnership licensee; or

(2) transmitted by electronic means to the licensee to the email address currently on file with the authority for the licensee, with the subject matter for such transmission indicating that it is related to a State Liquor Authority disciplinary proceeding. For purposes of this part, "electronic means" is any method of transmission of information, between computers or other devices, designed for the purpose of sending and receiving such transmissions and which allows the recipient to reproduce the information transmitted in a tangible medium of expression.

(b) Notices of pleading shall:

(1) indicate whether the proceedings may result in revocation or cancellation of the license ("revocation proceedings"), or in a penalty other than revocation or cancellation of the license ("suspension proceedings");

(2) set forth numbered charges against the licensee, each relating, insofar as possible, to separate violations or causes for revocation or suspension;

(3) require the licensee to plead to the charges on or before a specified date;

(4) advise the licensee of [his] *its* right to be represented by counsel; and

(5) advise the licensee that upon [his] *its* failure to appear or enter a plea, [he] *it* shall be deemed to have pleaded "no contest" to the charges and no further hearing shall be held.

(c) Notices of pleading in suspension proceedings shall, in addition to the matters set forth in subdivision (b) of this Part:

(1) set forth the maximum penalty, including a fine and/or any claim against the licensee's penal bond, which the authority may assess if the charges are sustained; and

(2) advise the licensee that [he] *it* may request that a bond forfeiture or fine be imposed in lieu of any suspension of [his] *its* license, the granting of which request shall be within the discretion of the authority.

(d) In the case of revocation proceedings, a copy of the notice of pleading shall be sent by *either* first class mail *or electronic means* to the owner

of the building in which the licensed premises are situated, as reflected in the files of the authority, at the last address or email address in the files of the authority of such owner. Where the application for the license for the current period has indicated that the licensee occupies such premises under a written lease from a person other than such owner, a further copy shall be sent by either first class mail or electronic means to such lessor at [his] its address or email address as set forth in the files of the authority.

54.2 Pleading procedure.

(a) After a disciplinary proceeding has been commenced, the licensee shall be afforded an opportunity to plead either "not guilty" or "no contest" to the charges on or before a scheduled date. If the licensee pleads "not guilty," a hearing shall be scheduled. If the licensee pleads "no contest," the charges shall be deemed sustained, and no further hearing shall be held. A licensee may plead "no contest" at any time prior to the close of a hearing.

(b) Failure of a licensee to plead on or before the pleading date shall be deemed a plea of "no contest," and no further hearing shall be held.

(c) The licensee may plead to the charges by mail or by [personal appearance] delivering the licensee's plea by electronic means to the email address designated in the pleading, or by posting the licensee's plea to an active online portal provided by the State Liquor Authority for the licensee's account. In order to plead "not guilty" to the charges by mail or by email, a letter signed by the licensee or [his] its attorney setting forth the plea must be received by the authority on or before the scheduled date. In order to plead "not guilty" to the charges by posting to the portal, an authorized posting must be made on the portal on or before the scheduled date.

54.3 Hearing procedure.

(a) The notice of hearing shall set forth the date and time at which the hearing is scheduled to be held. Upon licensee's failure to appear at the hearing or any adjournment thereof, he shall be deemed to have pleaded "no contest," the charges shall be deemed sustained, and no further hearing shall be held.

(b) A notice of hearing shall be deemed to have been duly served if [delivered in person or] (1) sent by first class mail to the licensee addressed to the licensed premises and a copy thereof by first class mail to the residence of record of the licensee or of any officer or director of a corporate licensee, or any general partner of a partnership licensee, or (2) transmitted by electronic means to the licensee and, if applicable, the licensee's attorney or authorized representative.

(c) Any person who is entitled to notice pursuant to this rule may appear and be heard in person or by duly appointed representative and may produce, under oath, evidence relevant and material to the charges preferred.

(d) A licensee may be represented by an attorney who is a member in good standing of the Bar of the State of New York. Such attorney shall provide the authority with an email address for the purpose of service of papers related to the proceeding.

(e) Any person appearing before the authority in a representative capacity may be required to show his or her authority to act in such capacity. Such representative shall provide the authority with an email address for the purpose of service of papers related to the proceeding.

(f) No application for adjournment of a hearing shall be granted except for good cause shown, and if such adjournment is sought upon the grounds that licensee's attorney is actually engaged in a court of record, upon the presentation of an affidavit of actual engagement by such attorney.

(g) Upon granting any adjournment, the hearing officer may direct that the matter be set down peremptorily against the licensee, in which event the licensee shall be notified that [he] it shall not be entitled to any further adjournment.

(h) Any licensee desiring to subpoena a witness may do so in the name of the Chairman of the State Liquor Authority and in the manner provided for subpoenas in the New York Civil Practice Law and Rules. If evidence other than oral testimony is required, such as documents or written data, the subpoena shall set forth the specific matter to be produced.

54.6 Penalties after hearing.

(a) After charges have been sustained in a revocation proceeding, the authority may direct revocation, cancellation or suspension of the license, including a fine and/or bond forfeiture, or impose any other penalty warranted by the facts.

(b) After charges have been sustained in a suspension proceeding, the authority may direct suspension of the license for a duration not to exceed the maximum period set forth in the notice of pleading, and may impose a fine and/or bond forfeiture to the extent, if any, also set forth therein.

(c) A copy of a notice of disposition of the proceeding, along with any order of suspension, cancellation or revocation, shall be served on the licensee and, if applicable, the licensee's attorney or representative, by electronic means.

80.6 Service upon attorney of record.

(a) Service of any notice or communication by regular mail or electronic means upon the attorney or authorized representative of record designated

in the notice of retainer and appearance or notice of substitution and appearance last filed with the authority shall be deemed proper service on the party represented.

(b) Such notice of appearance shall include an email address for the purpose of service of papers related to the proceeding.

(c) For purposes of this section, "electronic means" is any method of transmission of information, between computers or other devices, designed for the purpose of sending and receiving such transmissions and which allows the recipient to reproduce the information transmitted in a tangible medium of expression.

Text of proposed rule and any required statements and analyses may be obtained from: Paul Karamanol, Senior Attorney, State Liquor Authority, 80 South Swan St., Suite 900, Albany, NY 12210, (518) 486-6743, email: paul.karamanol@sla.ny.gov

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

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

Regulatory Impact Statement

Statutory authority:

These proposed regulations modernize outdated administrative procedures to provide for service via electronic means of (i) pleadings in disciplinary proceedings, and (ii) notices and other communications upon attorneys/representatives of record generally. They would be issued by the State Liquor Authority ("Authority") pursuant to Alcoholic Beverage Control Law ("ABCL") §§ 119(2) and 119(3), as well as State Administrative Procedure Act ("SAPA") §§ 201 and 301(3), and would appear as amended Sections 54.1, 54.2, 54.3, 54.6 and 80.6 of Title 9, Subtitle B, of the New York Codes, Rules and Regulations (N.Y.C.R.R.).

These regulations are issued pursuant to the following:

ABCL § 119(2), which authorizes the Authority to promulgate rules and regulations governing disciplinary hearing processes for retail licensees;

ABCL § 119(3) which authorizes the Authority to promulgate rules and regulations governing disciplinary hearing processes for all other licensees and permittees;

SAPA § 201, which authorizes all agencies to adopt by rule additional procedures not inconsistent with statute; and

SAPA § 301, which authorizes all agencies to promulgate rules and regulations governing adjudicatory procedures and appeals.

Legislative Objectives:

To provide for an efficient and effective hearings process that is fair and just for all licensees and permittees under Authority jurisdiction by updating procedures for the service of pleadings and other communications between the Authority and its licensees to comport with the modern technology commonly used in such legal and other proceedings.

Needs and benefits:

These regulatory proposals will help modernize administration of the ABCL, and promote the health, welfare, and safety of the people of New York, by providing for service of pleadings in disciplinary cases to the most recently provided electronic mail address provided to the Authority by the licensee, thereby making them easier to process and reply to for industry members and staff alike, all while reducing wasteful and outdated paper process service. They will also help facilitate all business between the Authority and designated attorneys/representatives of applicants and licensees.

The New York State Law Revision Commission, in their 2009 Report on the Alcoholic Beverage Control Law and its Administration, recommended changing the public policy underpinnings of the ABCL to be more business friendly, including "supporting economic growth, job development, and the state's alcoholic beverage production industries and its tourism and recreation industry...provided that such activities do not conflict with the primary regulatory objectives of promoting the health, welfare and safety of the people of the state, and promoting temperance in the consumption of alcoholic beverages." Under currently existing procedures, the Authority is required to serve certain documents on applicants or licensees by hardcopy and by mail only, and not by any electronic means (email or other internet-based or online communications), even though the alcoholic beverage industry and its representatives communicates regularly through electronic means as a matter of efficiency and to ensure the receipt and prompt attention to such communications. The proposed changes will help modernize the Authority's disciplinary hearing process, as well as the process for communicating in writing with attorneys/representatives of record for applicants and licensees generally in Authority proceedings. There is a trend toward electronic service of process; for example, email service is already utilized in the civil courts of New York. The Authority also seeks to remove the reference in the rules for disciplinary proceedings to be responded to in person, an outdated pleadings response method that serves to confuse licensees into believing that their actual hearing may take place on the date their plea is due.

The Authority hereby seeks to update its rules to provide for service of the pleadings that commence administrative disciplinary proceedings via email to make pleadings simpler and easier to process for Authority staff, to help ensure that licensees receive actual notice of such pleadings, to facilitate the ease of responding to such pleadings, and to clarify that personal appearances by licensees at Authority offices are not a proper method of responding to such pleadings. The Authority also seeks to update its rules relating to service of notices and other written communications on attorneys/representatives of record for applicants and licensees, making service via email of such papers as well. The rules would also provide licensees with the opportunity to use an online portal established by the Authority for each licensee, permitting licensees to deliver their responses to notices of pleading and other document to the SLA by uploading them and posting them on their individually designated portal, a further effort to ease the exchange of documents and other communications between licensees and the Authority. These regulatory proposals would thus help the Authority promote the health, welfare and safety of the people of New York by modernizing these functions and making them more efficient generally. The use of email and licensee online portals will also reduce the wasteful, less effective, and outdated modes of service and communications that rely on paper, regular mail, and even personal appearances. Under the proposed changes, the Authority will not require all licensees to immediately provide email addresses or to otherwise be subject to email service of pleadings in disciplinary proceedings immediately. The Authority will begin serving pleadings by email on particular licensees only after they have supplied an official email address to the Authority in connection with a new license application or license renewal application, at which time such licensees will have additional notice that they will be consenting to such service through its application for a license or license renewal. As for communications to attorneys/representatives of record, the Authority will require such attorneys/representatives of record to designate an email address at the time of appearance and, thus, such email communications can be made as soon as such an appearance is entered.

Costs:

There will be no increased costs to local municipal governments as a result of these proposals, as local municipalities play no role in Authority disciplinary hearings. Additionally, there will be no increased costs to industry members or to the Authority as a result of these proposals since the electronic mail addresses utilized for electronic mail pleadings will be provided by licensees and renewal applicants during the application process and/or by duly appointed attorneys/representatives. Due to the above, there will be no added costs to the Authority, to local governments, or industry members as a result of the implementation of the proposed rule amendments.

Local government mandates:

None. Local governments play no role in Authority disciplinary proceedings.

Paperwork:

The proposed rule amendments impose no new paperwork requirements on industry members or Authority staff since licensees and their representatives (if applicable) will be required to provide an electronic mail address, and will obtain access to an online portal for their license, during the new application and renewal application processes. As for communications with attorneys/representatives of record, the Authority already requires such attorneys/representatives of record to make their appearances by submitting a document and that document will be amended to designate an email address at the time of appearance, imposing no additional paperwork requirements.

Duplication:

There is no federal or local municipal duplication as neither plays any role in Authority disciplinary proceedings.

Alternatives/Federal standards:

The Authority could have chosen to make all licensees immediately subject to electronic mail service of pleadings in disciplinary cases upon adoption of this proposal. Given the need to obtain accurate email addresses and to ensure that longstanding licensees are aware of the change to email service of pleadings, the Authority has chosen instead to ensure that all licensees and applicants become aware of the new means of communication by obtaining their consent to the new electronic mail service requirement by having affirmatively filed a license application or renewal application with the Authority after the effective date of these amendments. The Authority thus seeks to mirror the opt-in option for electronic service of process currently utilized by the Civil Courts of the State of New York pursuant to Part 202.5-b [22 N.Y.C.R.R. 202.5-b] of the Uniform Civil Rules for the Supreme Court and the County Court, which enable adverse parties in civil actions to consent to receive electronic service of process. Once this regulatory package is approved, all Authority license applicants and renewal applicants will be given notice of the electronic service of pleadings in Authority disciplinary proceedings and, upon completing an

application, will be deemed to have given consent to receive electronic service of process for Authority disciplinary proceedings.

Compliance schedule:

The period of time the industry will require to enable compliance is likely to be negligible as licensees regularly communicate with Authority staff via electronic mail throughout the application and license renewal processes. The Authority will be in compliance upon full implementation of the new LEAP system, expected to be in the next fiscal year. Upon adoption of this regulatory package, newly approved applicants and all renewal applicants will be deemed to have consented to receipt of electronic service of process for commencement of disciplinary proceedings before the Authority and will also have the online portal available to them. The longest license term available for any liquor license being three years, all existing licensees will be subject to the new electronic service of process rules no later than three years from the date of adoption of this regulatory package. The Authority expects to be compliant immediately upon adoption of this regulatory package.

Regulatory Flexibility Analysis

The proposed amendments to Sections 54.1, 54.2, 54.3, 54.6 and 80.6 of Title 9, Subtitle B, of the New York Codes, Rules and Regulations (N.Y.C.R.R.) would modernize Authority hearing procedures, and procedures associated with communications between the Authority and attorneys/representatives of record in Authority proceedings, incorporating the trend toward electronic service of process already utilized in the civil courts of New York. The amendments would affect all of the approximately 70,000 licensed alcoholic beverage manufacturers, wholesalers, and retailers throughout the state equally.

Since the proposed amendments will not impose an adverse economic impact on small businesses or local governments, and do not impose reporting, recordkeeping or other compliance requirements on small businesses or local governments, no further steps were needed to ascertain those facts and none were taken by the Authority. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required for any of these amendments and none has been prepared.

Rural Area Flexibility Analysis

The proposed amendments to Sections 54.1, 54.2, 54.3, 54.6 and 80.6 of Title 9, Subtitle B, of the New York Codes, Rules and Regulations (N.Y.C.R.R.) would modernize Authority disciplinary hearing procedures, and procedures associated with communications between the Authority and attorneys of record in Authority proceedings, incorporating the trend toward electronic service of process already utilized in the civil courts of New York. The amendments would affect all of the approximately 70,000 licensed alcoholic beverage businesses throughout the state equally.

Since the proposed amendments will not have an adverse impact on facilities in rural areas, nor will they impose reporting, recordkeeping or other compliance requirements on facilities in rural areas, no further steps were needed to ascertain those facts and none were taken by the Authority. Accordingly, a rural area flexibility analysis is not required for any of these amendments and none has been prepared.

Job Impact Statement

The proposed amendments to Sections 54.1, 54.2, 54.3, 54.6 and 80.6 of Title 9, Subtitle B, of the New York Codes, Rules and Regulations (N.Y.C.R.R.) would modernize Authority disciplinary hearing procedures, and procedures associated with communications between the Authority and attorneys/representatives of record in Authority proceedings, incorporating the trend toward electronic service of process already utilized in the civil courts of New York. The amendments would affect all of the approximately 70,000 licensed alcoholic beverage businesses throughout the state equally.

Since the proposed amendments will not have an adverse impact on jobs or employment opportunities, no further steps were needed to ascertain those facts and none were taken by the Authority. Accordingly, a job impact statement is not required for any of the proposed amendments and none has been prepared.

Public Service Commission

NOTICE OF ADOPTION

Petition for Waivers

I.D. No. PSC-21-20-00008-A

Filing Date: 2021-08-20

Effective Date: 2021-08-20

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 Brookview Court, Inc.'s (Brookview Court) petition for waivers of certain Commission regulations and tariff provisions of National Grid related to the extension of the development period.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Petition for waivers.

Purpose: To approve Brookview Court's petition for waivers.

Text or summary was published in the May 27, 2020 issue of the Register, I.D. No. PSC-21-20-00008-P.

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

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

Assessment of Public Comment

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

(20-M-0209SA1)

NOTICE OF ADOPTION

Petition for Waivers

I.D. No. PSC-40-20-00006-A

Filing Date: 2021-08-20

Effective Date: 2021-08-20

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 Cimato Enterprises Inc.'s (Cimato) petition for waivers of certain Commission regulations and tariff provisions of National Grid related to the extension of the development period.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Petition for waivers.

Purpose: To approve Cimato's petition for waivers.

Text or summary was published in the October 7, 2020 issue of the Register, I.D. No. PSC-40-20-00006-P.

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

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

Assessment of Public Comment

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

(20-E-0439SA1)

NOTICE OF ADOPTION

Petition for Waivers

I.D. No. PSC-10-21-00008-A

Filing Date: 2021-08-20

Effective Date: 2021-08-20

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 Eldan Homes, Inc.'s (Eldan Homes) petition for waivers of certain Commission regulations and tariff provisions of National Grid related to the extension of the development period.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Petition for waivers.

Purpose: To approve Eldan Homes' petition for waivers.

Text or summary was published in the March 10, 2021 issue of the Register, I.D. No. PSC-10-21-00008-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.

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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-0105SA1)

NOTICE OF ADOPTION

Waivers of Customer Service Revenue Adjustments

I.D. No. PSC-11-21-00003-A

Filing Date: 2021-08-20

Effective Date: 2021-08-20

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 NYSEG and RG&E's waiver for their respective Percent of Meter Reads Negative Revenue Adjustment and denying their waiver for their respective Terminations and Uncollectibles metric Positive Revenue Adjustment.

Statutory authority: Public Service Law, sections 25-a, 65 and 66

Subject: Waivers of customer service revenue adjustments.

Purpose: To approve NYSEG and RG&E's Meter Reads waiver and deny their Terminations and Uncollectibles waiver.

Text or summary was published in the March 17, 2021 issue of the Register, I.D. No. PSC-11-21-00003-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.

(15-E-0283SA3)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Real Property

I.D. No. PSC-36-21-00005-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 KeySpan East Gas Corporation d/b/a National Grid for authorization to transfer property located at 29 Community Road, Bay Shore, New York to East Coast Imperial Properties LLC.

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

Subject: Transfer of real property.

Purpose: To determine whether to authorize the transfer of real property and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on August 13, 2021 by KeySpan Gas East Corporation d/b/a National Grid (KEDLI or the Company), requesting authorization to transfer certain real property located at 29 Community Road, Bay Shore, New York (Property) to East Coast Imperial Properties LLC (East Coast or the Purchaser). The property consists of approximately 0.27 acres of land, identified on the Suffolk County Tax Map as District 0500, Section 392.00, Block 03.00, Lot 042.000. KEDLI requests the Commission's authorization to proceed with the transaction pursuant to Public Service Law § 70, as the original cost of the proposed assets to be transferred is greater than \$100,000.

Based on plant records, KEDLI represents the original book cost of the property is approximately \$493,730 as of June 2010, with a net book value of zero dollars. The Company proposes to sell the property to East Coast for \$400,000. KEDLI states that the proposed transfer is in the public

interest due to the following reasons: (1) the Company used a competitive bidding process to ensure that the purchase price of the Property would reflect its fair market value; (2) the proposed transfer will financially benefit its customers since the net proceeds will be applied to the historic environmental cost deferral account; and (3) the transfer will not affect the Company's ability to provide safe, reliable, and adequate gas service to customers in the immediate vicinity of the Property and throughout the Company's service territory.

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

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6517, email: secretary@dps.ny.gov

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

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

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

(21-G-0446SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Westchester Power Program

I.D. No. PSC-36-21-00006-P

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

Proposed Action: The Public Service Commission is considering a petition filed by Sustainable Westchester, Inc. seeking integration of Opt-out Community Distributed Generation into the Westchester Power program.

Statutory authority: Public Service Law, sections 5(1), (2), 53, 65(1), (2), (3), 66(1), (2), (3) and (5)

Subject: The Westchester Power Program.

Purpose: To consider integration of Opt-out Community Distributed Generation into the Westchester Power program.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on August 11, 2021 by Sustainable Westchester, Inc. (SW) requesting authorization to integrate opt-out Community Distributed Generation (CDG) into the Westchester Power Community Choice Aggregation (CCA) program (Petition). Relatedly, SW further requests approval of its updated Master Implementation Plan and Data Protection Plan which have been revised to reflect opt-out CDG product integration.

SW seeks to integrate opt-out CDG as part of Westchester Power and extend the benefits of opt-out CDG to its participating and prospective municipalities. SW states that the Commission has clear authority to grant the requested relief and that the Commission has already recognized the benefits that integration of opt-out CDG into a CCA program can provide. SW asserts that approval of its Petition would allow customers in Westchester Power municipalities to participate in a renewable generation site that will apply a monetary credit to their utility bill and provide savings on their electric bills. Moreover, SW continues, this would help promote development of local clear power assets, mitigate climate change, work toward achieving the goals of the New York State's Climate Leadership and Community Protection Act, and accelerate the transition to a clean energy economy.

SW proposes to prioritize benefits for those whom these monthly bill savings would be most meaningful, including Assistance Program Participants, Low- to Moderate-Income, and Environmental Justice Area customers. After enrolling these communities first, SW then proposes to extend the opt-out CDG offering to other customers in participating municipalities.

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

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

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

(14-M-0564SP2)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Pension Settlement Payout Losses Incurred in 2020

I.D. No. PSC-36-21-00007-P

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

Proposed Action: The Commission is considering a petition filed by New York American Water Company, Inc. (NYAW) requesting deferral accounting and amortization of pension settlement losses.

Statutory authority: Public Service Law, section 89-c

Subject: Pension settlement payout losses incurred in 2020.

Purpose: Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2020.

Substance of proposed rule: The Public Service Commission is considering a petition filed by the New York American Water Company, Inc. (NYAW) on June 29, 2021, to defer and amortize, for future rate recognition, all losses incurred due to lump sum pension payouts from its pension plan that triggered settlements during 2020.

Under NYAW's contract with employees, retiring employees may choose to receive their pension as a single lump sum. These payments can impact NYAW's ability to meet its ongoing pension obligations. It is Commission policy to allow losses from such pension losses, when the lump sum payments to pension plan participants in any year exceed the sum of the service and interest costs associated with such pension plan that year, to be amortized by the affected utilities for later recover. The petition states that the pension losses for 2020 were \$603,096.

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

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6517, email: secretary@dps.ny.gov

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

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

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

(21-W-0364SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Real Property

I.D. No. PSC-36-21-00008-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 petition filed by KeySpan East Gas Corporation d/b/a National Grid for authorization to transfer property located at 18 Garner Lane, Bay Shore, New York to East Coast Imperial Properties LLC.

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

Subject: Transfer of real property.

Purpose: To determine whether to authorize the transfer of real property and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on August 13, 2021 by KeySpan Gas East Corporation d/b/a National Grid (KEDLI or the Company), requesting authorization to transfer certain real property located at 18 Garner Lane, Bay Shore, New York (Property) to East Coast Imperial Properties LLC (East Coast or the Purchaser). The property consists of approximately 2.2 acres of land, identified in the Suffolk County Tax Map as District 0500, Section 441.0, Block 01.00 Lot 047.001. KEDLI requests the Commission's authorization to proceed with the transaction pursuant to Public Service Law § 70, as the original cost of the proposed assets to be transferred is greater than \$100,000.

Based on plant records, KEDLI represents the original book cost of the property is approximately \$3,062,884 as of June 2010, with a net book value of zero dollars. The Company proposes to sell the property to East Coast for \$1,425,000. KEDLI states that the proposed transfer is in the public interest due to the following reasons: (1) the Company used a competitive bidding process to ensure that the purchase price of the Property would reflect its fair market value; (2) the proposed transfer will financially benefit its customers since the net proceeds will be applied to the historic environmental cost deferral account; and (3) the transfer will not affect the Company's ability to provide safe, reliable, and adequate gas service to customers in the immediate vicinity of the Property and throughout the Company's service territory.

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

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6517, email: secretary@dps.ny.gov

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

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

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

(21-G-0447SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-36-21-00009-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 the notice of intent of Belnord Partners, LLC to submeter electricity at 225 West 86th 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 Belnord Partners, LLC on July 31, 2020, seeking authority to submeter electricity at 225 West 86th Street, New York, New York 10024, an existing market rate and rent stabilized income-based condominium and rental building located in the service territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the notice of intent, Belnord Partners, LLC. requests authorization to

take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants and condominium owners is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(20-E-0379SP1)

**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	<p>Electronic webinar—September 8, 2021, 10:00 a.m. and 2:00 p.m.</p> <p>Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 368 by June 30, 2021. The proposed regulations webpage for 6 NYCRR Part 368 may be accessed at: https://www.dec.ny.gov/regulations/propregulations.html</p> <p>Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 368 public comment hearing.</p> <p>The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than 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</p>
ENV-36-21-00003-P	Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Reduction	Virtual electronic webinar—November 15, 2021, 1:00 p.m.
ENV-36-21-00004-P	Medium- and Heavy-Duty (MHD) Zero Emission Truck Annual Sales Requirements and Large Entity Reporting	<p>Via electronic webinar—November 9, 2021, 2:00 p.m.</p> <p>Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 218 by September 8, 2021. The proposed regulations webpage for 6 NYCRR Part 218 may be accessed at: https://www.dec.ny.gov/regulations/propregulations.html</p> <p>Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 218 public comment hearing.</p> <p>The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than October 19, 2021. The written request must be addressed to ALJ Michele M. Stefanucci, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Fl., Albany, NY 12233-1550 or emailed to ALJ Stefanucci at ohms@dec.ny.gov</p>

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.
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Liquor Authority, State

LQR-36-21-00002-P	Commencement of Administrative Disciplinary Proceedings Via Electronic Means	80 S. Swan St., Albany, NY—November 10, 2021, 10:00 a.m.
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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.
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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

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
CFS-36-21-00010-EP	09/08/22	Adopt provisions & standards to operationalize compliance with the federal Family First Prevention Services Act	Adopt provisions & standards to operationalize compliance with the federal Family First Prevention Services Act
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-23-21-00009-P	06/09/22	Jurisdictional Classification	To classify a subheading and positions in the exempt class
CVS-27-21-00004-P	07/07/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-27-21-00005-P	07/07/22	Jurisdictional Classification	To classify a position in the exempt class
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-RP	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

Action Pending Index

NYS Register/September 8, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-36-21-00001-P	09/08/22	Excelsior Jobs program	Update regulations to include newly enhanced tax credits for projects including child care services
EDUCATION DEPARTMENT			
*EDU-17-19-00008-P	09/22/21	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population
*EDU-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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-36-21-00003-P	11/15/22	Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Reduction	Implementation of the expanded polystyrene foam container and loose fill packaging ban in ECL Art. 27, Title 30
ENV-36-21-00004-P	11/09/22	Medium- and heavy-duty (MHD) zero emission truck annual sales requirements and large entity reporting	Annual zero emission MHD truck sales requirements for model years 2025-2035. Report MHD volumes, operations, and locations
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-49-20-00011-P	12/09/21	Credit for Reinsurance	To conform to covered agreements entered into between the US and EU and the US and UK, and implement NAIC models.
DFS-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
*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
*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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
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
LIQUOR AUTHORITY, STATE			
LQR-36-21-00002-P	11/10/22	Commencement of administrative disciplinary proceedings via electronic means	To modernize outdated administrative disciplinary procedures to provide for service of pleadings via electronic means
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*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 andthe Customer Trouble Report Rate levels at certain central office entities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*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.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*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.

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities.	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities.
PSC-17-21-00008-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, refinancing of maturing debt.
PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs.	To modify and improve Community Choice Aggregation programs in New York State.
PSC-18-21-00005-P	..... exempt	Proposed transfer of the Company's capital stock to the Purchaser.	To determine if transfer of the Company's capital stock to the Purchaser is in the public interest.
PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products.	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products.
PSC-18-21-00008-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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-25-21-00010-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-21-00011-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-25-21-00012-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-25-21-00013-P	..... exempt	Negative revenue adjustments for gas main replacements targets in 2020.	To promote and ensure safety and reliability enhancements for utility infrastructure replacement.
PSC-26-21-00004-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-26-21-00005-P	..... exempt	Proposed revisions to tariff schedule.	To consider tariff revisions to cancel leaves associated with the Energy Smart Community Rate Pilot.
PSC-26-21-00006-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street of lighting facilities and the proper accounting for the transaction.
PSC-26-21-00007-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-26-21-00008-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street of lighting facilities and the proper accounting for the transaction.
PSC-26-21-00009-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street of lighting facilities and the proper accounting for the transaction.
PSC-26-21-00010-P	..... exempt	Proposed acquisition of all shares of common stock of Corning Natural Gas Holding Corporation by ACP Crotona Corp.	To consider whether the acquisition of all shares of common stock of CNGH by ACP Crotona Corp. is in the public interest.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-27-21-00012-P	..... exempt	Waiver request to reset NUG Rider rate on one day's notice.	To determine whether NUG Rider rates should be reset on one day's notice.
PSC-27-21-00013-P	..... exempt	Support for a hydroelectric facility located in Black Brook, New York.	To consider financial support to promote and maintain an existing renewable electric energy resource.
PSC-27-21-00014-P	..... exempt	PSC Regulation 16 NYCRR 86.3(a)(1), (a)(2), (b)(2), 86.4(b), 88.4(a)(4) and 85-2.3(c).	To consider the applicants requests relating to the content of their application for transmission line siting.
PSC-27-21-00015-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Lockport.
PSC-28-21-00011-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Ithaca.
PSC-28-21-00012-P	..... exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY.	To address the proposed transfer and any matters within the public interest.
PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics.	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits.
PSC-28-21-00014-P	..... exempt	Proposed agreement for the provision of water service.	To consider whether a proposed service agreement and requested waivers of Commission rules are in the public interest.
PSC-28-21-00015-P	..... exempt	Proposals for active and passive managed charging programs for mass market EV customers.	To shift EV charging to moderate grid impacts and customer costs.
PSC-28-21-00016-P	..... exempt	Transfer of Suez Water New York Inc.'s parent company to Veolia Environment S.A.	To determine if the proposed transfer is the public interest.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-30-21-00005-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-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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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 Corning'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.
PSC-36-21-00005-P	..... exempt	Transfer of real property.	To determine whether to authorize the transfer of real property and the proper accounting for the transaction.

Action Pending Index

NYS Register/September 8, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-36-21-00006-P	..... exempt	The Westchester Power Program.	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program.
PSC-36-21-00007-P	..... exempt	Pension settlement payout losses incurred in 2020.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2020.
PSC-36-21-00008-P	..... exempt	Transfer of real property.	To determine whether to authorize the transfer of real property and the proper accounting for the transaction.
PSC-36-21-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
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"
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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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.
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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
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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
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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
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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
WCB-26-21-00001-P	06/30/22	Payment of medical bills and disputes	To require all objections to medical bills be made simultaneously and make process more efficient
WCB-28-21-00008-P	07/14/22	DME Fee Schedule	To correct codes and update DME fee schedule
WCB-28-21-00009-P	07/14/22	Telehealth	Provides the option for telehealth visits in some circumstances

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

318 E Royal FO, LLC
13567 NC 50, Surf City, SC 28445
State or country in which incorporated — South Carolina

AXA,S.A.
25 Ave., Matignon, 75008 Paris, France
State or country in which incorporated — France

Bemax Inc.
625 Silver Oak Dr., Dallas, GA 30132
State or country in which incorporated — Nevada

BlueBay Destra International Event-Driven Credit Fund
One N. Wacker Dr., 48th Fl., Chicago, IL 60606
State or country in which incorporated — Delaware

Bundygroupsecurities, LLC
1850 E. 3rd St., Suite 160, Charlotte, NC 28204
State or country in which incorporated — North Carolina limited liability company

Derosa Capital 12, LLC
354 S. Broad St., Trenton, NJ 08608
State or country in which incorporated — Kentucky

Douglas Scott Securities, Inc.
1700 Alma Dr., Suite 110A Plano, Texas 75075
State or country in which incorporated — Texas

Funds Distributor, LLC
10 High St., Suite 302, Boston, MA 02110
State or country in which incorporated — Massachusetts

Javaherian & Ruszecki, PC
1900 Avenue of the Stars, Suite 310, Los Angeles, CA 90067
State or country in which incorporated — Colorado

North Capital Private Securities Corporation
623 E Fort Union Boulevard, Suite 101, Salt Lake City, UT 84047
State or country in which incorporated — Delaware

Sienna at Westover JV, LP
910 Harvest Drive, Suite 105, Blue Bell, PA 19422
Partnership — Novoterra Madhouse GP 1, LLC

Spark New Zealand Limited
167 Victoria St., W. Level Two, Spark City, Auckland, 1010 New Zealand
State or country in which incorporated — New Zealand

SportUp, Inc.
350 Brannan Street, Suite 350, San Francisco, CA 94107
State or country in which incorporated — Delaware

StoneCastle Financial Corp.
100 Fillmore St., Suite 325, Denver, CO 80206
State or country in which incorporated — Delaware

Ultimus Fund Distributors, LLC
225 Pictoria Dr., Suite 450, Cincinnati, OH, 45246
State or country in which incorporated — Ohio

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE FREIGHT ELEVATOR Wallkill Correctional Facility Wallkill, Ulster County

Sealed bids for Project Nos. M3087-C, M3087-H, M3087-E and M3087-U, comprising separate contracts for Construction Work, HVAC Work, Electrical Work and Elevator Work, Replace Freight Elevator, Building 12, Wallkill Correctional Facility, 50 Mc Kendrick Rd, Wallkill (Ulster 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 22, 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 \$20,000 for C, \$6,000 for H, \$9,700 for E, and \$34,700 for U).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C, between \$50,000 and \$100,000 for H, between \$100,000 and \$250,000 for E, and between \$500,000 and \$1,000,000 for U.

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 dates for this project are in accordance with the timeframes specified in Section 0110000 – Summary of the Work.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and an overall goal of 8% for MWBE participation, 4% for Minority-Owned Business Enterprises ("MBE") participation and 4% 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, 6% for the E trade contractor, 0% for the H trade contractor and 0% for the U 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 OGS - Design & Construction Group

**REHABILITATE
VARIOUS COTTAGE BATHROOMS
Hudson Correctional Facility
Hudson, Columbia County**

Sealed bids for Project Nos. M3096-C and M3096-P, comprising separate contracts for Construction Work, and Plumbing Work, Rehabilitate Various Cottage Bathrooms, Hudson Correctional Facility, 50 East Court Street, PO Box 576, Hudson (Columbia 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 22, 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 \$56,000 for C, and \$25,800 for P).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C, and between \$500,000 and \$1,000,000 for P.

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. 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 in-

flation 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 611 days after the Agreement is approved by the Comptroller.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Plumbing 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: 3% for the C 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 OGS - Design & Construction Group

**REPAIR
ELEVATOR**
Clinton Correctional Facility
Dannemora, Clinton County

Sealed bids for Project Nos. M3138-C, M3138-H, M3138-P, M3138-E and M3138-U, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, Electrical Work and Elevator Work, Repair Elevator, Building 14, Clinton Correctional Facility, Route 374 Cook Street, Dannemora (Clinton 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 22, 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 \$9,400 for C, \$3,100 for H, \$1,800 for P, \$7,300 for E and \$24,000 for U).

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 \$25,000 and \$50,000 for H, up to \$25,000 for P, between \$50,000 and \$100,000 for E and between \$250,000 and \$500,000 for U.

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 279 days after the Agreement is approved by the Comptroller.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 0% for the C trade contractor, 0% for the E trade contractor, 0% for the H trade contractor, 0% for the P trade contractor, and 0% for the U 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 OGS - Design & Construction Group

RENOVATE
INTERIOR FLOORS/DOORS
Rockland Psychiatric Center
Poughkeepsie, Dutchess County

Sealed bids for Project No. 46034-C, comprising a contract for Construction Work, Renovate Interior Floors and Doors, Building 819, Rockland PC, Hudson River Campus, 10 Ross Circle, Poughkeepsie (Dutchess County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, September 22nd, 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 \$18,700 for C).

All successful bidders will be required to furnish a Performance

Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. 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 230 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: 6% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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 OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

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

UNITS OF LOCAL GOVERNMENT AND ORGANIZATIONS INCORPORATED UNDER THE NEW YORK STATE NOT-FOR-PROFIT CORPORATION LAW; LOW- AND MODERATE-INCOME MEDICAID RECIPIENTS WITH DISABILITIES

Access to Home Program; Access to Home for Heroes; Access to Home for Medicaid Recipients Program; RESTORE Program; Mobile & Manufactured Home Replacement Program

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

- \$1 million - Access to Home Program
- \$5 million - Access to Home for Heroes (Veterans)
- \$1.5 million - Access to Home for Medicaid Recipients Program
- \$1.3 million - RESTORE Program
- \$900,000 - Mobile & Manufactured Home Replacement Program

These amounts are provided as guidelines for expected awards and HTFC reserves the right to award additional funds, a portion of, or none of the funds based on funding availability.

APPLICATION FOR FUNDING

Application materials for the sources identified above will be available on the NYS Homes and Community Renewal website, <https://hcr.ny.gov>, by Wednesday, September 8, 2021. Applications will be due no later than 4:00 pm on Friday, October 22, 2021. Applications must be submitted using the Community Development Online Application System (CDOL).

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

ACCESS TO HOME PROGRAM

PROGRAM DESCRIPTION

The Access to Home program provides financial assistance to make residential units accessible for low- and moderate-income persons with disabilities. Assistance with the cost of accessibility modifications will enable people with disabilities to live in their residences safely and comfortably, rather than in an institutional setting.

ELIGIBLE APPLICANTS

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

ELIGIBLE ACTIVITIES

Grant funds may be used to assist low- and moderate-income renters or homeowners with disabilities, in making accessibility modifications to their primary residences. Accessibility modifications must be designed to address substantial limitation caused by a disability or improve activities of daily living within and/or access to the dwelling

unit. Examples include wheelchair ramps and lifts, handrails, doorway widening, and roll-in showers. Review the Access to Home Program Manual for more information related to eligible activities: <https://hcr.ny.gov/access-home#program-manual>.

FUNDING LIMITS

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

ACCESS TO HOME FOR HEROES/VETERANS PROGRAM

PROGRAM DESCRIPTION

The Access to Home for Heroes/Veterans program provides financial assistance to make accessibility modifications, emergency home repairs or address code violations to the primary residences of low- and moderate-income veterans with disabilities. Such activities will enable veterans with disabilities to live in their residences safely and comfortably, rather than in an institutional setting. Eligible veterans may be renters or homeowners, with service-related injuries, age, or health related disabilities.

ELIGIBLE APPLICANTS

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

ELIGIBLE ACTIVITIES

Grant funds may be used to assist low- and moderate-income veterans with disabilities, in making accessibility modifications or emergency home repairs to their primary residences. Accessibility modifications must be designed to address substantial limitation caused by a disability or improve activities of daily living within and/or access to the veteran's primary residence. Examples include wheelchair ramps and lifts, handrails, doorway widening, and roll-in showers. Review the Access to Home for Heroes/Veterans Program Manual for more information related to eligible activities: <https://hcr.ny.gov/access-home#program-manual>

FUNDING LIMITS

- The minimum request amount is \$75,000. The maximum request amount is \$300,000.
- A maximum of \$25,000 per unit is allowable. This cap is inclusive of both hard costs for accessibility modifications, soft costs, and project delivery fees.
- Applicants may budget 7.5 percent of the requested amount for eligible administrative costs.
- Applicants may budget up to 5 percent of project costs for eligible soft costs and project delivery costs.

ACCESS TO HOME FOR MEDICAID RECIPIENTS PROGRAM

PROGRAM DESCRIPTION

The Access to Home for Medicaid Recipients program was developed in partnership with the New York State Department of Health

(DOH). This program provides financial assistance to make dwelling units accessible for low- and moderate-income persons receiving Medicaid and living with a disability. Accessibility modifications will enable Medicaid recipients with a disability to live in their residences safely and comfortably, rather than in an institutional setting. The Access to Home for Medicaid Recipients program has a secondary long-term goal of lowering health care costs.

ELIGIBLE APPLICANTS

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

ELIGIBLE ACTIVITIES

Grant funds may be used to assist low- and moderate-income Medicaid recipients with disabilities, in making accessibility modifications to their primary residences. Accessibility modifications must be designed to address substantial limitation caused by a disability or improve activities of daily living within and/or access to the dwelling unit. Examples include wheelchair ramps and lifts, handrails, doorway widening, and roll-in showers. Review the Access to Home for Medicaid Recipients Program Manual for more information related to eligible activities: <https://hcr.ny.gov/access-home#program-manual>

FUNDING LIMITS

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

MOBILE & MANUFACTURED HOME REPLACEMENT PROGRAM

PROGRAM DESCRIPTION

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

ELIGIBLE APPLICANTS

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

ELIGIBLE ACTIVITIES

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

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

FUNDING LIMITS

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

RESTORE PROGRAM

PROGRAM DESCRIPTION

The Residential Emergency Services to Offer (Home) Repairs to the Elderly (RESTORE) program provides financial resources to assist senior citizen homeowners, sixty years of age and older, with the cost of addressing emergency home repairs or code violations that pose a threat to their health and safety, or affect the livability of their home. Assistance with the cost of these critical repairs will enable seniors to continue to live independently in their homes.

ELIGIBLE APPLICANTS

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

ELIGIBLE ACTIVITIES

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

FUNDING LIMITS

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

GENERAL REQUIREMENTS

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

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

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

CONTACT INFORMATION

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using the CDOL application system. Requests for approval to submit a paper application must be sent to: Crystal Loffler, President, Office of Community Renewal, NYS Homes and Community Renewal, Hampton Plaza, 38-40 State Street, 4th Floor South, Albany, NY 12207.

The above-stated application deadlines are firm as to date and hour. In the interest of fairness to all competing applicants, applications received after the specified date and time will be deemed ineligible and will not be considered for funding. Applicants should make early submission of the applications to avoid risks of ineligibility resulting from unanticipated delays or other delivery-related problems.

For inquiries or technical assistance regarding these programs please contact the above address or call (518) 474-2057, e-mail: OCRinfo@nyscr.org

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

NON-ENTITLEMENT VILLAGES, TOWNS, CITIES OR COUNTIES

NYS Community Development Block Grant; NYS Home Program

The Housing Trust Fund Corporation (HTFC) announces the availability of approximately \$30 million of State and Federal funds for the following programs:

- \$20 million - NYS Community Development Block Grant funding for Housing Activities
- \$10 million – NYS HOME Program

These amounts are provided as guidelines for expected awards and the HTFC reserves the right to award additional funds, a portion of, or none of the funds based on funding availability.

NYS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PROGRAM DESCRIPTION

The New York State Community Development Block Grant Program (CDBG) is a federally funded program administered by the Housing Trust Fund Corporation’s (HTFC) Office of Community Renewal (OCR). The program provides resources to non-entitlement communities to enable the development of decent, affordable housing, create suitable living environments, and enhance economic opportunities across the state.

CDBG ELIGIBLE APPLICANTS

Eligible applicants include non-entitlement villages, towns, cities or counties throughout New York State, excluding metropolitan cities, urban counties, and Indian Tribes that are HUD designated Entitlement communities. Non-entitlement areas are generally defined as cities, towns, and villages with populations of less than 50,000 except those designated principal cities of Metropolitan Statistical Areas, and counties with populations of less than 200,000.

CDBG HOUSING ACTIVITIES

CDBG funds are available for housing activities including housing rehabilitation, manufactured housing replacement, homebuyer down payment assistance, well and septic replacement, and lateral connection assistance that primarily benefit low- and moderate-income persons.

2021 MAXIMUM FUNDING LIMITS

- CDBG Housing Activities
- Towns, Cities and Villages: \$ 750,000
- Counties: \$1,500,000

APPLICATION FOR FUNDING

Application materials for the 2021 CDBG Housing Activities will be available on the NYS Homes and Community Renewal website, <https://hcr.ny.gov/>, by Wednesday, September 1, 2021. Applications for CDBG Housing Activities will be accepted until 4:00 pm Friday, October 29, 2021. Applications must be submitted using the Community Development Online Application System (CDOL).

NYS HOME PROGRAM

PROGRAM DESCRIPTION

The NYS HOME Program is a federally funded program administered by the Housing Trust Fund Corporation’s (HTFC) Office of Community Renewal (OCR). The program is designed to fund residential housing activities to expand the supply of decent, safe, and affordable housing throughout the State of New York. The funds made available in this NOFA represent 2021 and prior fiscal year HOME funds designated for use by Local Program Administrators (LPAs).

HOME ELIGIBLE APPLICANTS

Eligible applicants are defined as:

- 1) Units of local government, to include: Counties, Cities, Towns and Villages

- 2) Non-profit corporations incorporated under State Non-Profit Corporation Law

While all areas of New York State are eligible, programs located within another HOME Participating Jurisdiction, should provide evidence of funding commitments from the alternative local HOME PJ leveraging additional funds for the program and reducing funds needed from the NYS HOME Program.

To be eligible to apply, applicants must have been in existence for at least one year prior to application and providing recent and relevant residential housing services to the community.

Applicants must demonstrate a local market need for the proposed activity/program/project service area, capacity to administer and complete the program in the contract term, and knowledge of HOME program regulations.

HOME ELIGIBLE ACTIVITIES

HOME funds are available for housing activities including housing rehabilitation, manufactured housing replacement, homebuyer down payment assistance and tenant based rental assistance (TBRA).

HOME MAXIMUM AWARD AMOUNTS, MAXIMUM PER UNIT AMOUNTS

1. Housing Rehabilitation

Maximum Award up to \$600,000 – Maximum Per-unit up to \$65,000

2. Manufactured Housing Replacement

Maximum Award up to \$1,250,000 – Maximum Per-unit up to \$125,000

3. Homebuyer Down Payment Assistance

Without Rehabilitation- Maximum Award up to \$800,000 – Maximum Per-unit up to \$80,000

With Rehabilitation- Maximum Award up to \$800,000 – Maximum Per-unit up to \$100,000

4. Tenant Based rental Assistance (TBRA)

Maximum Award up to \$600,000 – Maximum Per-unit up to \$50,000

APPLICATION FOR FUNDING

Application materials for the 2021 NYS HOME Local Program will be available on the NYS Homes & Community Renewal website, <https://hcr.ny.gov/>, by Wednesday, September 1, 2021. Applications for 2021 NYS HOME funding round will be accepted until 4:00 pm Friday, October 15, 2021. Applications must be submitted using the Community Development Online Application System (CDOL).

CONTACT INFORMATION

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using the CDOL application system. Requests for approval to submit a paper application must be sent to: Crystal Loffler, President, Office of Community Renewal, NYS Homes and Community Renewal, Hampton Plaza, 38-40 State Street, 4th Floor South, Albany, NY 12207.

The above-stated application deadlines are firm as to date and hour. In the interest of fairness to all competing applicants, applications received after the specified date and time will be deemed ineligible and will not be considered for funding. Applicants should make early submission of the applications to avoid risks of ineligibility resulting from unanticipated delays or other delivery-related problems.

For inquiries or technical assistance regarding the NYS CDBG or NYS HOME programs, please contact the above address or call (518) 474-2057, e-mail: OCRINFO@nyscr.org

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.

NOTICE OF PUBLIC HEARING

Department of Environmental Conservation

Department of Environmental Conservation (DEC) will hold a public comment hearing on proposed regulations 6 NYCRR Parts 597, 598, and 613 will be held at: 3:00 p.m. on Tuesday, November 30, 2021, via electronic webinar.

Instructions on how to "join" the hearing webinar and provide an oral statement will be published on the Department's proposed regulations webpage for 6 NYCRR Parts 597, 598, and 613 by September 8, 2021. The proposed regulations webpage for 6 NYCRR Parts 597, 598, and 613 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 Parts 597, 598, and 613 public comment hearing.

The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than November 16, 2021. The written request must be addressed to ALJ Daniel P. O'Connell, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ O'Connell at ohms@dec.ny.gov

Public comment for these regulations is extended to December 6, 2021. *Comments may be entered during the hearing, e-mailed to derweb@dec.ny.gov, or mailed to:* Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233, Jenn Dawson. Please include "Comments on Proposed Part 613" or "Comments on Proposed Parts 597/598" in the subject or memo line of the correspondence.

PUBLIC NOTICE Office of General Services

Pursuant to Section 33 of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that the New York State Office of General Services has determined that:

Address: The Walter J. Mahoney State Office Building, 65 Court St., Buffalo, NY 14202, Erie County

A five story office building with full basement, owned and occupied by the State of New York, having approximately 68,924 square feet of gross building area, is surplus and no longer useful or necessary for state program purposes and is hereby abandoned for sale or disposition as Unappropriated State Land.

For further information, please contact: Frank P. Pallante, Office of General Services, Legal Services, 36th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, (518) 474-8831, (518) 473-4973 fax

PUBLIC NOTICE Division of Criminal Justice Services Commission on Forensic Science

Pursuant to Public Officers Law section 104, the Division of Criminal Justice Services gives notice of a meeting of the New York State Commission on Forensic Science to be held on:

Date:	September 17, 2021
Time:	9:00 a.m. - 1:00 p.m.
Primary Video Conference Site:	Division of Criminal Justice Services Alfred E. Smith Office Building Crime Stat Room 118 80 South Swan Street Albany, NY
Web Streaming information:	The webcast information for this meeting will be posted on the Division of Criminal Justice website under the Newsroom, Open Meeting/Webcasts. https://www.criminaljustice.ny.gov/pio/openmeetings.htm
Secondary/Video Conference Sites:	<ul style="list-style-type: none">• *ESDC, 633 3rd Avenue, 37th Floor Board Room, New York, New York• Ostrer & Associates, PC, 111 Main St., Chester, New York• Onondaga County District Attorney's Office, 505 South State St., 4th Floor Main Conference Rm., Syracuse, New York.• 100 College Place Lyman Hall 417, Syracuse University, Syracuse, New York

*Identification and sign-in is required at this location. *For further information, or if you need a reasonable accommodation to attend this meeting, contact:* Elizabeth Suparmanto, Division of Criminal Justice Services, Office of Forensic Services, 80 Swan St., Albany, NY 12210, (518) 485-5052

PUBLIC NOTICE

Department of State
F-2021-0520

Date of Issuance – September 8, 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-2021-0520, Jeremy Brownie proposes to construct a 4' x 48' elevated catwalk, a 3' x 16' ramp and a 6' x 20' float in an "L" configuration at 2 Tarkettle Road, Town of Shelter Island, County of Suffolk, Shelter Island Sound.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/September/f-2021-0520consistcert.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 8, 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-2021-0546

Date of Issuance – September 8, 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-2021-0546, Josh Sapan proposes to construct a 5' x 30' ramp up to a 5' x 100' fixed dock with a 5' x 40' "L" at offshore end and a 4' x 40' lowered platform. Install two 2-pile dolphins on west side and two 2-pile dolphins on east side of dock. Install an 8,000lb. Boat lift. Provide for water and electrical service to offshore end of dock at 22 Prospect Avenue, Town of Shelter Island, County of Suffolk, Shelter Island Sound.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/September/f-2021-0546consistcert.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 8, 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

tency 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-2021-0572

Date of Issuance – September 8, 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-2021-0572, Shumway Marine is proposing to replace a fixed pier dock section and replace it with a floating dock. Proposed is the removal of the entire pier along with all of the docks and pilings. Dredge 5,000 cubic yards of material and dispose at the Rochester Harbor open lake placement area. Replace the pilings, pier and docks with a 7' x 539' floating main dock and thirty floating 3' x 40' finger docks. The project is located in the Genesee River, at 40 Marina Drive, Rochester, NY 14617.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/09/f-2021-0572shumwaymarina.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 8, 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-2021-0600

Date of Issuance – September 8, 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-2021-0600, Nathaniel and Emily Weing propose to remove the existing wood ramp leading to an existing fixed dock. Then elevate the existing 5' x 85' fixed dock approx. 16". Re-deck the dock using 5/4" x 6" untreated lumber. Install a 32" x 16' aluminum ramp leading to a 8' x 24' floating dock secured by two 10" anchor piling. Construct new 116' low sill bulkhead in front of remains of existing

106' steel bulkhead. Revegetate disturbed areas behind low sill bulkhead at 222 4th Street Greenport, Village of Greenport, Town of Southold, Suffolk County, Widow's Hole.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/September/f-2021-600consistcert.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 8, 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-2021-0613

Date of Issuance – September 8, 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-2021-0613, Joseph and Juanita Rini propose to construct a 4' x 208' catwalk is proposed leading to a 3' x 30' ramp and an 8' x 20' float with a 4' 20' float in an "L" orientation. The catwalk is proposed off of the existing deck. The landward 75' of the catwalk is proposed to be constructed of open grate decking over the vegetated wetlands areas. The catwalk is proposed to be elevated 6' above the MHW and vegetated wetlands and supported by (38) 12" diameter piles. The floats are proposed to be supported by (7) 12" diameter piles and will be chocked 24" off the bottom of the harbor at 2 Clam Shell Lane, Asharoken, Town of Huntington, Suffolk County, Duck Island Harbor (LI Sound)

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/September/f-2021-0613consistcert.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., 15 days from the date of publication of this notice or September 23, 2021.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2021-0632

Date of Issuance – September 8, 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-2021-0632, Jeff Cardillo proposes the installation of a 170' of Navy style groin breakwater with an attached 4' wide wood pier and a 4' x 40' wood pier. Also, the installation of an additional 60' of Navy style breakwater. Install (2) 4-pile boat lifts and (2) 5' x 16' jet ski floats. Install two aluminum ladders on pier. The project is located on Great South Bay, at One Fenimore Road, Bayport, NY 11705, Suffolk County.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/09/f-2021-0632cardillo.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 8, 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-2021-0634

Date of Issuance – September 8, 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-2021-0634, Gary Sher, Peconic on Shelter, LLC proposes to construct a 4' x 125' fixed dock with a 4' x 30' "I" at offshore end, and a 4' x 30' lower platform on west side. Install 60' of splashboard system below "I" section and offshore end. Install one 2-pile tie off dolphin. Install an 8000 lb. Elevator style boat lift on east side of dock. Provide for water and electric service to offshore end of dock. Construct access stairway from bulkhead on to dock and to beach at 68 Peconic Avenue, Town of Shelter Island, County of Suffolk, Shelter Island Sound.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/September/f-2021-0634consistcert.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 8, 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-2021-0647

Date of Issuance – September 8, 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-2021-0647, Farin Farvid is proposing to construct a 4' x 22' fixed elevated dock with thru flow/open grate decking and supported by 8" pilings, with kayak rack. Installation of a 3' x 20' ramp and 6' x 20' float. The project site is located on Wells Creek at 15 Windermere Close, Hampton Bays, NY 11946, Suffolk County.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/09/f-2021-0647farvid.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 8, 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-2021-0686 (DA)

Date of Issuance – September 8, 2021

The New York State Department of State (DOS) is required by Federal law to provide timely public notice for the activity described below, which is subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The United States Army Corps of Engineers - New England District has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The consistency determination and accompanying public information and data is 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-2021-0686 (DA), The U.S. Army Corps of Engineers, New England District, has submitted a consistency determination for the proposed replacement and revision of the Connecticut Programmatic General Permit (CT GP), which is used by the New England District Corps in place of the Nationwide Permit Program and includes activities authorized under Section 10 of the Rivers and Harbors Act of 1899; the discharge of dredged or fill material into waters of the United States under Section 404 of the Clean Water Act and Section 103 of the Marine Protection, Research and Sanctuaries Act within Long Island Sound. General permits are issued by the Corps of Engineers on a regional or Statewide basis to streamline the authorization of activities that meet predetermined parameters that would result in

minimal individual and cumulative adverse effects on the aquatic environment. A Division may elect to add regional conditions specific to the needs of a particular region.

More information on the proposal to reissue and modify the Connecticut General Permit can be found on the U.S. Army Corps of Engineers - New England District website at: <https://www.nae.usace.army.mil/Missions/Regulatory/PublicNotices/Article/2706748/usace-ct-gps-initial-public-notice-draft-ct-general-permits/> or by contacting the New England District, Corps of Engineers at: 696 Virginia Road, Concord, MA 01742-2751.

The consistency determination and accompanying public information and data is available for inspection at the New York State Department of State's Office of Planning, Development & Community Infrastructure located at One Commerce Plaza, 99 Washington Avenue in Albany, New York, or by download at: <https://dos.ny.gov/system/files/documents/2021/09/F-2021-0686CTGPCConsistencyDetermination.pdf>

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, Thursday, September 23, 2021.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Suite 1010, Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made 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-2021-0721

Date of Issuance – September 8, 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-2021-0721, Janine Abbatecola is proposing a new 4' x 100' dock and two 8' diameter mooring piles. The site is located Shinnecock Bay at 58 Westway Drive, Southampton, NY, 11968.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/09/f-2021-0721abbatecola.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 8, 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-2021-0774 (DA)

Date of Issuance – September 8, 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.

A Federal agency has determined that their proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program.

In F-2021-0774, the Bureau of Ocean Energy Management or BOEM is proposing to lease up to 10 areas offshore of New York in the Atlantic Ocean for potential use as commercial-scale offshore wind facilities. The lease areas are located in federal waters of the Outer Continental Shelf in the designated New York Bight Wind Energy Areas (WEAs). This consistency determination evaluates two actions:

- Lease issuance, including reasonably foreseeable consequences associated with site characterization surveys for shallow hazards, geological, geotechnical, archaeological resources, and other biological surveys; and

- Approval of a Site Assessment Plan or SAP, including reasonably foreseeable consequences associated with the installation and operation of meteorological buoys.

BOEM's issuance of lease areas, by themselves, would not authorize the lessees to construct or operate any wind energy facilities on the Outer Continental Shelf. The construction and operation of a wind energy facility would be subject to a separate, and if applicable, a separate federal consistency review.

The agency's consistency determination and supporting information are available for review at: [https://dos.ny.gov/system/files/documents/2021/09/F-2021-0774\(da\)_boem_nybwea.pdf](https://dos.ny.gov/system/files/documents/2021/09/F-2021-0774(da)_boem_nybwea.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.

Additional background and supporting information used to inform the consistency determination can be found in BOEM's Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf of the New York Bight Draft Environmental Assessment (EA) (BOEM 2021b), which is available online at: <http://www.boem.gov/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 23, 2021.

Comments should be addressed to: 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.

2021-0420 Matter of JL Drafting Inc., John Lagoudes, 707 Broadhollow Road, Farmingdale, NY 11735, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at Nine James Street, Shoreham, Town of Brookhaven, NY 11786, County of Suffolk, State of New York.

2021-0421 Matter of A.M. Expediting, Anthony Mitola, P.O. Box

567, Rocky Point, NY 11778, for a variance concerning safety requirements, including the ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 260 West End Avenue, Shirley, Town of Brookhaven, NY 11786, County of Suffolk, State of New York.

2021-0422 Matter of Victoria Morelli Architect, Victoria Morelli, RA, 108 Voorhis Avenue, Rockville Centre, NY 11570, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 12 Vanderveer Court, Village of Rockville Centre, NY 11570, County of Nassau 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.

2021-0424 Matter of Gianni Design, Tim Jordan, Nine Flamingo Drive, Smithtown, NY 11787, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 424 Third Street, East Northport, Town of Huntington, NY 11731, County of Suffolk, State of New York.

2021-0425 Matter of Nassau Expeditors Inc., Scott Tirone, 75 Albertson Avenue, Albertson, NY 11507, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at Six Pond Park Road, Town of North Hempstead, NY 11023, County of Nassau State of New York.

2021-0426 Matter of Antoine Roche, 43 Stevens Avenue, Hempstead, NY 11550, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 43 Stevens Avenue, Village of Hempstead, NY 11550, County of Nassau State of New York.

EXECUTIVE ORDERS

Executive Order No. 198.19: Continuing the Declaration of Disaster Emergency in the Counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne.

WHEREAS, pursuant to Executive Order 198, a disaster was declared within the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne due to extensive flooding, widespread erosion, and water damage that caused significant damage to homes and other residential structures, businesses, and public infrastructure;

WHEREAS, historic high water levels in Lake Ontario and the St. Lawrence River continue to be of concern as a cause of flooding, widespread erosion, and water damage, which continues to jeopardize infrastructure, coastline structures, natural barriers, and navigation; and

WHEREAS, the Resiliency and Economic Development Initiative Commission has identified high-priority projects that were urgently needed, and continued to be needed to protect homes, businesses, and critical infrastructure; to sustainably maintain safe navigation channels; and to address the immediate and long-term resiliency of communities along Lake Ontario and the St. Lawrence River.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby extend the state disaster emergency as set forth in Executive Order 198 and continue the terms, conditions, and suspensions contained in Executive Order No. 198 through 198.18 until September 1, 2021.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this second day of August in the year two thousand twenty-one.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

Executive Order No. 211.1: Continuing the State Wide Disaster Emergency due to Gun Violence.

WHEREAS, gun violence poses a serious threat to the health and quality of life of all residents of the state of New York; and

WHEREAS, gun violence is reaching crisis levels: gun violence is the leading cause of premature death in the U.S. and gun injuries total \$280 billion in healthcare/societal costs annually; and

WHEREAS, since January 2021, gun violence is up 48% in New York City, 22% in Albany, 88% in Buffalo and 95% in Rochester; and

WHEREAS, urban communities in New York State are disproportionately affected by the direct and indirect consequences of gun violence; and

WHEREAS, urban communities in New York State typically experience a spike in gun violence in the summer months; and

WHEREAS, at least 50% of homicides and 55% of nonfatal shootings involve people associated with gangs or more loosely-affiliated “street groups”; and

WHEREAS, the cycle of escalatory gun provides insight into where

future shootings will occur which allows an immediate crisis response; and

WHEREAS, the collection and analysis of data from local law enforcement agencies can help target state funds and services needed to reduce gun violence and save lives in communities with high rates of gun-related violence; and

WHEREAS, data collected can be utilized to support proven community violence intervention programs, summer employment opportunities and other investments known to reduce crimes and make our neighborhoods safer; and

WHEREAS, the state has an obligation to act in a manner consistent with the science and data on gun violence in order to prevent imminent and immediate harm to communities across the state; and

WHEREAS, the science and data suggest that deployment of more violence interrupters, and provision of summer employment programs will have an immediate ameliorative effect on the increased violence that has been occurring in these communities; and

WHEREAS, it is necessary to suspend certain provisions of law, rule or regulation which would otherwise hamper the efforts of the State to respond to this crisis.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York do hereby extend the suspensions and modifications of law as contained in Executive Order 211 through September 4, 2021.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifth day of August in the year two thousand twenty-one.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa
Secretary to the Governor

