
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Masking Requirements in all OASAS Certified, Funded, or Otherwise Authorized Settings
- Establish Minimum Standards to Control the Spread of COVID-19 at Residential Congregate Programs
- Meeting Space in Transitional Adult Homes

Notice of Availability of State and Federal Funds

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

For notices published in this issue:

- the 60-day period expires on December 5, 2021
- the 45-day period expires on November 20, 2021
- the 30-day period expires on November 5, 2021

**KATHY HOCHUL
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

For press and media inquiries call:
(518) 486-9844

For *State Register* production, scheduling and subscription information
call: (518) 474-6957
E-mail: adminrules@dos.ny.gov

For legal assistance with *State Register* filing requirements
call: (518) 474-6740
E-mail: dos.dl.inetcounsel@dos.ny.gov

The *New York State Register* is now available on-line at:
dos.ny.gov/state-register



The New York State Register (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The **New York State Register** is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to NY STATE REGISTER, the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

 printed on recycled paper

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

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

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

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957

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

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

Rule Making Activities

Alcoholism and Substance Abuse Services, Office of

1 / Masking Requirements in All OASAS Certified, Funded, or Otherwise Authorized Settings (E)

Children and Family Services, Office of

2 / Establish Minimum Standards to Control the Spread of COVID-19 at Residential Congregate Programs (E)

4 / Establish Minimum Standards to Control the Spread of COVID-19 (E)

Civil Service, Department of

6 / Jurisdictional Classification (P)

Environmental Conservation, Department of

9 / Application of Site-Specific Fecal Indicator Bacteria (*Enterococcus*) Water Quality Standards to Class I and Class SD Waters (A)

Financial Services, Department of

14 / Principle-Based Reserving (P)

Health, Department of

14 / Meeting Space in Transitional Adult Homes (E)

Mental Health, Office of

17 / COVID-19 Masking Program (EP)

People with Developmental Disabilities, Office for

18 / Mandatory Face Coverings in OPWDD Certified Services (EP)

Public Service Commission

20 / Gas Metering Equipment (A)

20 / Submetering of Electricity (A)

21 / Submetering of Electricity and Waiver Request (A)

21 / Waiver and Extension of Development Period (A)

21 / Submetering of Electricity (A)

22 / Amendments to Pipeline Safety Regulations (A)

22 / Submetering of Electricity (A)

22 / Disposition of a New York State Tax Refund (P)

23 / Commission's Order Adopting Utility Energy Registry Modifications (P)

23 / Notice of Intent to Submeter Electricity and Request for Waiver (P)

24 / Notice of Intent to Submeter Electricity (P)

State University of New York

24 / State Basic Financial Assistance for the Operating Expenses of Community Colleges Under the Program of SUNY and CUNY (E)

26 / College Fees (E)

26 / State University of New York Tuition and Fee Schedule (E)

Temporary and Disability Assistance, Office of

29 / COVID-19 Masking Requirements in Congregate Shelters (E)

Workers' Compensation Board

31 / PFL Intermittent Leave (A)

Hearings Scheduled for Proposed Rule Makings / 32

Action Pending Index / 35

Securities Offerings

85 / State Notices

Advertisements for Bidders/Contractors

87 / Sealed Bids

Notice of Availability of State and Federal Funds

91 / Environmental Facilities Corporation

Miscellaneous Notices/Hearings

93 / Notice of Abandoned Property Received by the State Comptroller

93 / Public Notice

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 Alcoholism and Substance Abuse Services

EMERGENCY RULE MAKING

Masking Requirements in All OASAS Certified, Funded, or Otherwise Authorized Settings

I.D. No. ASA-40-21-00004-E

Filing No. 1002

Filing Date: 2021-09-16

Effective Date: 2021-09-16

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

Action taken: Addition of Part 808 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 19.07(e), (c), 19.09(b), 19.21(b), 32.01, 32.07(a) and 32.21

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

Specific reasons underlying the finding of necessity: The proposed emergency rule adds new Part 808 to require masks to be worn in all OASAS Certified, Funded, or otherwise authorized settings for staff, program participants and visitors. Such amendments are consistent with Centers for Disease Control and Prevention Guidance which was created to protect the health, safety and welfare of individuals and prevent further transmission and long-term illness or fatality from SARS-CoV-2 (COVID-19) pandemic. The addition of this rule is necessary to preserve public health and prevent further transmission of COVID-19 to all staff and patients in OASAS settings, as the pandemic continues to present an immediate threat.

Subject: Masking requirements in all OASAS certified, funded, or otherwise authorized settings.

Purpose: To prevent the threat to public health of the spread of COVID-19 in OASAS settings.

Text of emergency rule: 14 NYCRR Part 808

COVID-19 Mask Wearing Requirements in Certified, Funded or Otherwise Authorized Settings

Section 808.1 Background and Intent.

(a) *The purpose of this Part is to provide a healthy environment for staff, patients, volunteers and visitors in combatting the SARS-CoV-2 (COVID-19) pandemic in New York State in certified, funded or otherwise authorized entities by mandating consistent with Office and Centers for Disease Control and Prevention Guidance.*

Section 808.2 Legal Basis.

(a) *Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner of the Office of Addiction Services and Supports (“the Commissioner”) to adopt standards including necessary rules and regulations pertaining to substance use disorder services.*

(b) *Section 19.07(c) of the Mental Hygiene Law charges the Office with the responsibility for seeing that persons in need of treatment for substance use disorder services and their families receive high quality care and treatment, and that the personal and civil rights of persons receiving care, treatment and rehabilitation are adequately protected.*

(c) *Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.*

(d) *Section 19.21(b) of the Mental Hygiene Law requires the Commissioner to establish and enforce certification, inspection, licensing, and treatment standards for substance use disorder treatment facilities.*

(e) *Section 32.01 of the Mental Hygiene Law authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.*

(f) *Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.*

(g) *Section 32.21 of the Mental Hygiene Law authorizes the Commissioner to suspend, revoke, or limit an operating certificate and impose fines where a provider has failed to comply with the terms of its operating certificate or with the provisions of any applicable statute, rule, or regulation.*

Section 808.3 Applicability.

(a) *This Part shall apply to any program organized and operating pursuant to the provisions of this Title and certified, funded, or otherwise authorized by the Office as a provider of substance use disorder or gambling prevention, treatment or recovery services, including but not limited to the following:*

(1) *Title 14 NYCRR Part 343 Alcohol Awareness Education Program for Youth;*

(2) *Title 14 NYCRR Part 816 Substance Use Disorder Withdrawal and Stabilization Services, including Medically Supervised Outpatient Withdrawal and Stabilization Services;*

(3) *Title 14 NYCRR Part 817 Substance Use Disorder Residential Rehabilitation Services For Youth (RRSY);*

(4) *Title 14 NYCRR Part 818 Substance Use Disorder Inpatient Rehabilitation Services;*

(5) *Title 14 NYCRR Part 819 Chemical Dependence Residential Services, except for supportive living services provided in scatter sites;*

(6) *Title 14 NYCRR Part 820 Residential Services, except those services provided in non-congregate settings;*

(7) *Title 14 NYCRR Part 822 Outpatient Treatment Services;*

(8) *Title 14 NYCRR Part 823 Child and Family Treatment and Support Services;*

(9) *Title 14 NYCRR Part 825 Integrated Outpatient Services;*

(10) *Title 14 NYCRR Part 1030.3 Drug-free prevention services;*

(11) *Services which are not certified but are funded or otherwise authorized by the Office.*

Section 808.4 Definitions.

(a) "Mask" means a face covering that fits snugly and covers both the nose and mouth.

(b) "Staff" shall include the director, employee or volunteer of a facility or provider agency, contract staff, students, or those who engage in activities that if they were to be infected with COVID-19 they would potentially expose patients to the disease.

Section 808.5 Masking Requirements.

(a) Effective immediately, all Programs shall have policies and procedure in place to ensure all staff, visitors and individuals receiving services regardless of vaccination status wear appropriate masks, consistent with any directives issued by the Office and consistent with guidance from the Centers for Disease Control and Prevention (CDC).

(b) Exemptions from mask wearing requirements for staff, individuals receiving services, and visitors.

(1) Masks are not required to be worn by:

(i) Children under two years of age;

(ii) A person with a disability who cannot wear a mask, or cannot safely wear a mask, for reasons related to the disability; or

(iii) A person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by an Occupational Health and Safety Administration workplace risk assessment.

(2) Where a mask cannot be worn due to disability or a risk to workplace health, safety or job duty:

i. a face shield should be used as an alternative whenever practical.

ii. Any exemption from mask wearing must be based upon proof of disability or risk which is retained in a distinct recordkeeping system to assist with monitoring compliance.

Section 808.6 Penalties.

(a) Failure to comply with the requirements of this regulation may result in limitation to a provider's operating certification, including suspension or revocation, and the imposition of fines for each violation in accordance with Mental Hygiene Law Section 32.21.

Section 808.7 Severability.

If any provision of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provision or applications of this Part which can be given effect without the invalid provision or applications, and to this end the provisions of this Part are declared to be severable.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires December 14, 2021.

Text of rule and any required statements and analyses may be obtained from: Kelly E Grace Esq, NYS Office of Addiction Services and Supports, 1450 Western Ave Albany NY 12203, (518) 366-7958, email: Kelly.Grace@oasas.ny.gov

Regulatory Impact Statement

1. Statutory Authority:

a. Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner of the Office of Addiction Services and Supports ("the Commissioner") to adopt standards including necessary rules and regulations pertaining to substance use disorder services.

b. Section 19.07(c) of the Mental Hygiene Law charges the Office with the responsibility for seeing that persons in need of treatment for substance use disorder services and their families receive high quality care and treatment, and that the personal and civil rights of persons receiving care, treatment and rehabilitation are adequately protected.

c. Section 19.09(b) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

d. Section 19.21(b) of the Mental Hygiene Law requires the Commissioner to establish and enforce certification, inspection, licensing, and treatment standards for substance use disorder treatment facilities.

e. Section 32.01 of the Mental Hygiene Law authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

f. Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.

g. Section 32.21 of the Mental Hygiene Law authorizes the Commissioner to suspend, revoke, or limit an operating certificate and impose fines where a provider has failed to comply with the terms of its operating certificate or with the provisions of any applicable statute, rule, or regulation.

2. Legislative Objectives: The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction treatment services, including problem gambling services, and well as standards for providers seeking to offer such services.

3. Needs and Benefits: This regulation is added on an emergency basis

consistent with other regulations contained in Title 14. This regulation is necessary to ensure the safety of those working, visiting and receiving services in programs certified, funded or otherwise authorized by OASAS from health impacts associated with the COVID-19 pandemic.

4. Costs: No additional administrative costs to the agency are anticipated.

5. Paperwork: Providers are required to develop policies and procedures to ensure implementation of these requirements within the program.

6. Local Government Mandates: There are no new local government mandates.

7. Duplications: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives: The alternative is to remain silent on masking requirements which would result in inconsistent operation between programs and potentially endanger program participants and employees, volunteers, contractors, during the context of a global pandemic.

9. Federal Standards: This regulation does not conflict with federal standards.

10. Compliance Schedule: This emergency rulemaking will be effective upon filing the Rule with the Department of State.

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the proposed regulation does not impose any requirements certified, funded or otherwise authorized providers that was not previously required under federal guidelines.

Rural Area Flexibility Analysis

OASAS has determined that the emergency rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the proposed regulation does not impose any new requirements on prevention, treatment or recovery programs beyond those already recommended by federal guidance.

Job Impact Statement

OASAS is not submitting a Job Impact Statement for this emergency rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the proposed regulation does not impose any new employment requirements on prevention, treatment or recovery programs.

Office of Children and Family Services

EMERGENCY RULE MAKING

Establish Minimum Standards to Control the Spread of COVID-19 at Residential Congregate Programs

I.D. No. CFS-40-21-00005-E

Filing No. 1003

Filing Date: 2021-09-16

Effective Date: 2021-09-16

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

Action taken: Addition of Part 338 to Title 18 NYCRR.

Statutory authority: Executive Law, sections 500(2), 501(16); Social Services Law, sections 20(3)(d), 34(3)(c) and 462(1)(a)

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

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

On January 30, 2020 the World Health Organization (WHO) designated

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

New York State first identified cases on March 1, 2020 and thereafter became the national epicenter of the outbreak. On March 7, 2020 with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors, which ended on June 24, 2021, due to the success in vaccination rates, and declining hospitalization and positivity statewide. However, with the emergence of the Delta variant accounting for 95% of recent sequenced positives in New York State, these regulations are necessary, on an emergency basis, to establish minimum standards to control the spread of COVID-19 at residential congregate programs operated, licensed, certified or approved by the Office of Children and Family Services.

Subject: Establish minimum standards to control the spread of COVID-19 at residential congregate programs.

Purpose: To establish minimum standards to control the spread of COVID-19 at residential congregate programs.

Text of emergency rule: Part 338 of Title 18 NYCRR is added to read as follows:

Part 338. Congregate Care COVID-19 Prevention and Protection Program

338.1. Applicability

This part applies to all residential congregate programs operated, approved, licensed, or certified by the Office of Children and Family Services, with the exception of:

- (a) family-type homes for adults as defined in 18 NYCRR 485.2(f); and*
- (b) nonsecure detention family boarding care facilities as defined in 9 NYCRR 180-1.3(d)(1).*

338.2. Face Covering Requirements

(a) "Face covering" means a mask or other face covering that fits snugly and completely covers both the nose and mouth.

(b) All staff, volunteers, contractors, vendors, visitors, and residents of programs subject to this part, who are two years of age or older and able to medically tolerate a face covering, must wear a face covering when indoors regardless of vaccination status, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.

(c) In no instance should a resident face a loss of services, disciplinary consequences, removal from or change in programming, or be denied admission for failure to consistently wear a face covering.

(d) All programs subject to this part shall provide their employees, contractors, volunteers, and residents with appropriate face coverings at no expense. Face coverings must be replaced or laundered as necessary.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires December 14, 2021.

Text of rule and any required statements and analyses may be obtained from: Frank J Nuara, Associate Attorney, Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 474-9778, email: regcomments@ocfs.ny.gov

Regulatory Impact Statement

1. Statutory Authority:

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

Section 34(3)(c) of the SSL requires the Commissioner of OCFS to take cognizance of the interests of health and welfare of the inhabitants of the state.

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

Section 500(2) of the Executive Law authorizes the Commissioner of OCFS to establish rules and regulations to carry out its powers and duties pursuant to the provisions of the Executive Law.

Section 501(16) of the Executive Law authorizes the Commissioner of OCFS to perform such acts as are necessary or convenient to carry out OCFS' functions, powers, and duties in furtherance of the best interests of youth.

2. Legislative Objectives:

Chapter 436 of the Laws of 1997 created OCFS to take on the func-

tions, powers, duties and obligations in the SSL concerning 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. This proposed rule enhances that responsibility by addressing the issue of risk of physical harm to youth in care and victims of domestic violence and their children residing in residential programs for victims of domestic violence caused by failing to require appropriate face coverings in congregate care settings to prevent the spread of COVID-19.

3. Needs and Benefits:

The proposed regulation will protect the health and safety of youth and victims of domestic violence and their children residing in residential programs for victims of domestic violence in congregate settings overseen by OCFS. The United States Centers for Disease Control and Prevention has issued guidance warning of the higher risks posed to persons residing in congregate settings, including juvenile detention centers (see, e.g., <https://www.cdc.gov/coronavirus/2019-ncov/community/shared-congregate-house/guidance-shared-congregate-housing.html>; <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>).

To address the need to protect youth residing in programs operated, approved, licensed or certified by OCFS, many of whom are unable to become vaccinated due to their age, and victims of domestic violence and their children residing in residential programs for victims of domestic violence, it is incumbent on OCFS to establish expectations for operators of these programs to minimize the risk to youth in their care such as setting expectations regarding the wearing of face coverings.

4. Costs:

The proposed regulations mandate implementation of best practices recommended by numerous State and federal agencies. There are no costs anticipated.

5. Local Government Mandates:

There are no new local government mandates.

6. Paperwork:

There are no additional paperwork requirements.

7. Duplication:

The proposed regulations would not duplicate other state or federal requirements.

8. Alternatives:

No significant alternatives were considered.

9. Federal Standards:

The proposed regulations would not conflict with current federal standards.

10. Compliance Schedule:

Compliance with the proposed regulations would begin immediately upon filing.

Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed regulation would affect all congregate residential programs operated, approved, licensed, or certified by the Office of Children and Family Services (OCFS) in New York State. These programs include approximately 72 voluntary authorized agencies, 73 runaway and homeless youth shelters, 62 residential shelters and domestic violence programs, 30 residential sponsoring agencies with a total of 100 safe dwellings, all 10 OCFS-operated residential facilities, 16 nonsecure detention facilities, and all eight secure and specialized secure detention facilities. The proposed regulation does not affect family-type homes for adults as defined in 18 NYCRR 485.2(f) or nonsecure detention family board care facilities as defined in 9 NYCRR 180-1.3(d)(1).

2. Compliance Requirements:

The proposed regulation would require congregate residential programs operated, approved, licensed, or certified by OCFS to develop policies and procedures that require face coverings to minimize the spread of COVID-19.

3. Professional Services:

The proposed regulation would not require additional professional services to be retained by local governments or small businesses.

4. Compliance Costs:

The proposed regulation would not impose new costs on residential programs operated, approved, licensed, or certified by OCFS.

5. Economic and Technological Feasibility:

It is not anticipated that the proposed regulations would have an adverse economic impact on local governments or small businesses. OCFS has issued guidance throughout the COVID-19 pandemic (based on up-to-date guidance or directives issued by the New York State Department of Health and the Centers for Disease Control and Prevention) related to safety protocols for staff and youth in congregate care settings.

6. Minimizing Adverse Impact:

It is not anticipated that the proposed regulations would result in an adverse impact on local governments or small businesses. Congregate residential programs are already required to have COVID-19 policies and

protocols to protect the continued health and safety of youth and staff alike. The proposed regulations would reinforce such policies and procedures.

7. Small Business and Local Government Participation:

The issues addressed in the proposed regulation are not new. Throughout the COVID-19 pandemic, OCFS has been in constant contact with local governments and small businesses regarding best practices to ensure the health and safety of staff and youth in congregate care settings. Local governments and small businesses have been receptive to OCFS guidance and have had an opportunity to voice any concerns or questions throughout the COVID-19 pandemic. OCFS will continue these relationships as it completes necessary guidance related to the requirements set forth in this regulation.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas:

This rule will apply to all residential congregate programs operated, approved, licensed, or certified by the Office of Children and Family Services (OCFS), with the exception of family-type homes for adults and nonsecure detention family boarding care facilities, in all 44 rural areas of the state.

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

OCFS does not anticipate there will be reporting, recordkeeping and other compliance or professional services related to this regulation.

3. Costs:

There are no new costs associated with this rule in rural areas.

4. Minimizing Adverse Impact:

OCFS does not anticipate any adverse impact to congregate residential programs operated, approved, licensed, or certified by OCFS in rural areas as a result of this rule.

5. Rural Area Participation:

Since the start of the pandemic, OCFS has continuously worked with all congregate residential programs operated, approved, licensed, or certified by OCFS regarding actions to help minimize the spread of COVID-19. OCFS anticipates continuing this relationship as it completes necessary guidance related to the requirements set forth in this regulation.

Job Impact Statement

1. Nature of Impact:

The New York State Office of Children and Family Services (OCFS) does not anticipate that this rule will have a negative impact on employment opportunities in any region of New York State.

2. Categories and Numbers Affected:

None.

3. Regions of Adverse Impact:

This rule applies to all residential congregate programs operated, approved, licensed, or certified by the Office of Children and Family Services. There are no regions where this rule will have a disproportionate adverse impact on employment opportunities.

4. Minimizing Adverse Impact:

OCFS does not anticipate an adverse impact.

Assessment of Public Comment

The agency received no public comment.

**EMERGENCY
RULE MAKING**

Establish Minimum Standards to Control the Spread of COVID-19

I.D. No. CFS-40-21-00006-E

Filing No. 1004

Filing Date: 2021-09-16

Effective Date: 2021-09-16

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

Action taken: Amendment of Parts 414, 415, 416, 417, Subparts 418-1 and 418-2 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20, 34, 390 and 410

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

Specific reasons underlying the finding of necessity: The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care

in a general hospital and can be fatal, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

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

New York State first identified cases on March 1, 2020 and thereafter became the national epicenter of the outbreak. On March 7, 2020 with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors, which ended on June 24, 2021, due to the success in vaccination rates, and declining hospitalization and positivity statewide. With the emergence of the Delta variant accounting for 95% of recent sequenced positives in New York State, these regulations are necessary, on an emergency basis, to establish minimum standards to control the spread of COVID-19 at licensed, registered and enrolled legally-exempt group child care programs.

Subject: Establish minimum standards to control the spread of COVID-19.

Purpose: To establish minimum standards to control the spread of COVID-19.

Text of emergency rule: Paragraph (19) is added to subdivision (i) of section 414.11 of Title 18 NYCRR to read as follows:

(19) *Face coverings to prevent the spread of the novel coronavirus identified as SARS-CoV-2 or COVID-19.*

(i) *Any Individual two years of age or older, who is able to medically tolerate a face covering, must wear a face covering when indoors, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.*

(ii) *Any individual who claims that they are unable to medically tolerate a face covering must provide medical documentation of such to the Office upon demand.*

(iii) *The violation of these regulations shall be a basis to deny, limit, suspend, revoke, or terminate a license or registration, pursuant to Social Services Law § 390(10) and applicable regulations.*

Subparagraph (vi) is added to paragraph (8) of subdivision (b) of section 415.13 of Title 18 NYCRR to read as follows:

(vi) *Face coverings to prevent the spread of the novel coronavirus identified as SARS-CoV-2 or COVID-19.*

(a) *Any Individual two years of age or older, who is able to medically tolerate a face covering, must wear a face covering when indoors, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.*

(b) *Any individual who claims that they are unable to medically tolerate a face covering must provide medical documentation of such to the Office upon demand.*

(c) *The violation of these regulations shall be a basis to deny, limit, suspend, revoke, or terminate a license or registration, pursuant to Social Services Law § 390(10) and applicable regulations.*

Paragraph (33) is added to subdivision (i) of section 416.11 of Title 18 NYCRR is amended to read as follows:

(33) *Face coverings to prevent the spread of the novel coronavirus identified as SARS-CoV-2 or COVID-19.*

(i) *Any Individual two years of age or older, who is able to medically tolerate a face covering, must wear a face covering when indoors, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.*

(ii) *Any individual who claims that they are unable to medically tolerate a face covering must provide medical documentation of such to the Office upon demand.*

(iii) *The violation of these regulations shall be a basis to deny, limit, suspend, revoke, or terminate a license or registration, pursuant to Social Services Law § 390(10) and applicable regulations.*

Paragraph (33) is added to subdivision (i) of section 417.11 of Title 18 NYCRR is amended to read as follows:

(33) *Face coverings to prevent the spread of the novel coronavirus identified as SARS-CoV-2 or COVID-19.*

(i) *Any Individual two years of age or older, who is able to medically tolerate a face covering, must wear a face covering when indoors, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.*

(ii) Any individual who claims that they are unable to medically tolerate a face covering must provide medical documentation of such to the Office upon demand.

(iii) The violation of these regulations shall be a basis to deny, limit, suspend, revoke, or terminate a license or registration, pursuant to Social Services Law § 390(10) and applicable regulations.

Paragraph (20) is added to subdivision (i) of section 418-1.11 of Title 18 NYCRR is amended to read as follows:

(20) Face coverings to prevent the spread of the novel coronavirus identified as SARS-CoV-2 or COVID-19.

(i) Any Individual two years of age or older, who is able to medically tolerate a face covering, must wear a face covering when indoors, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.

(ii) Any individual who claims that they are unable to medically tolerate a face covering must provide medical documentation of such to the Office upon demand.

(iii) The violation of these regulations shall be a basis to deny, limit, suspend, revoke, or terminate a license or registration, pursuant to Social Services Law § 390(10) and applicable regulations.

Paragraph (20) is added to subdivision (i) of section 418-2.11 of Title 18 NYCRR is amended to read as follows:

(20) Face coverings to prevent the spread of the novel coronavirus identified as SARS-CoV-2 or COVID-19.

(i) Any Individual two years of age or older, who is able to medically tolerate a face covering, must wear a face covering when indoors, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.

(ii) Any individual who claims that they are unable to medically tolerate a face covering must provide medical documentation of such to the Office upon demand.

(iii) The violation of these regulations shall be a basis to deny, limit, suspend, revoke, or terminate a license or registration, pursuant to Social Services Law § 390(10) and applicable regulations.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires December 14, 2021.

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

Regulatory Impact Statement

1) Statutory Authority:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Commissioner of the New York State Office of Children and Family Services (OCFS) to establish rules, regulations and policies to carry out OCFS' powers and duties under the SSL.

Section 390(2-a) of the SSL requires OCFS establish regulations for licensed and registered child care programs that include minimum standards for health an infection control at such programs.

Section 410-x(3) of the SSL requires OCFS establish regulations for enrolled legally-exempt group child care programs that include minimum health and safety standards at such programs.

2) Legislative Objectives:

The legislative objective of SSL 390(2-a) and 410-x(3) authorizes OCFS to establish minimum standards to control communicable diseases at licensed, registered and enrolled legally-exempt group child care programs.

3) Needs and Benefits:

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions. On January 30, 2020 the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Thereafter, the situation rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

New York State first identified cases on March 1, 2020 and thereafter became the national epicenter of the outbreak. On March 7, 2020 with widespread transmission rapidly increasing within certain areas of the state, Governor Andrew M. Cuomo issued an Executive Order declaring a

state disaster emergency to aid in addressing the threat COVID19 poses to the health and welfare of New York State residents and visitors, which ended on June 24, 2021, due to the success in vaccination rates, and declining hospitalization and positivity statewide. With the emergence of the Delta variant accounting for 95% of recent sequenced positives in New York State.

These regulations require face coverings for all children, staff and visitors in child care programs to protect against the highly contagious Delta variant and increasing COVID-19 infections. The requirement will apply to large and small child care centers, home-based group family and family child care programs, after-school child care programs and legally exempt group programs. It will apply only to those who are medically able to tolerate wearing a mask.

4) Costs:

As part of ongoing efforts to address the COVID-19 pandemic, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Since 2020, OCFS has made funding available to child care programs to purchase personal protective equipment, including face coverings. Accordingly, this regulation will not have a significant cost impact on programs.

5) Local Government Mandates:

No new mandates are imposed on local governments by this rule.

6) Paperwork:

There is no new required paperwork.

7) Duplication:

This rule does not duplicate state or federal requirements.

8) Alternatives:

There are no alternatives. Without this rule, OCFS would not be meeting its statutory obligation to promulgate regulation that address the minimum health and safety standards for infection control.

9) Federal Standards:

This rule is consistent with applicable federal requirements.

10) Compliance Schedule:

Compliance with this rule will begin immediately.

Regulatory Flexibility Analysis

1) Effect of Rule:

There are approximately 15,106 licensed/registered child care programs and 276 enrolled legally-exempt group child care programs. As part of ongoing efforts to address the COVID-19 pandemic, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020.

There is no anticipated effect on local governments.

2) Compliance Requirements:

These regulations require face coverings for all children, staff and visitors in child care programs to protect against the highly contagious Delta variant and increasing COVID-19 infections. The requirement will apply to large and small child care centers, home-based group family and family child care programs, after-school child care programs and legally exempt group programs. It will apply only to those who are medically able to tolerate wearing a mask. Above listed child care programs will need to return to face covering compliance as previously in place under New York State executive orders and currently recommended by Federal Centers for Disease Control guidance.

3) Professional Services:

Child care programs and local governments will not be required to use or employ any additional professional services as a result of this rule.

4) Compliance Costs:

As part of ongoing efforts to address the COVID-19 pandemic, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Since 2020, OCFS has made funding available to child care programs to purchase personal protective equipment, including face coverings. Accordingly, this regulation will not have a significant cost impact on programs.

5) Economic and Technological Feasibility:

There are no new requirements that will impact economic and/or technological feasibility.

6) Minimizing Adverse Impact:

As part of ongoing efforts to address the COVID-19 pandemic, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Therefore, OCFS does not anticipate an adverse impact.

7) Small Business and Local Government Participation:

Due to the emergent nature of COVID-19, small business and local governments were not consulted. OCFS will provide guidance, technical assistance, and outreach to child care programs that are impacted by this rule. OCFS will send notice of this rule via email to all such child care programs and post this information on the OCFS child care website. This will include the contact information of someone in OCFS to answer questions on this emergency rule.

Rural Area Flexibility Analysis

1) Types and Estimated Numbers of Rural Areas:

This rule will apply to all licensed/registered and enrolled legally-exempt group child care programs in all areas of the state, including the 44 rural areas.

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

There is no new paperwork.

3) Costs:

As part of ongoing efforts to address the COVID-19 pandemic, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Since 2020, OCFS has made funding available to child care programs to purchase personal protective equipment, including face coverings. Accordingly, this regulation will not have a significant cost impact on programs.

4) Minimizing Adverse Impact

As part of ongoing efforts to address the COVID-19 pandemic, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Therefore, OCFS does not anticipate an adverse impact.

5) Rural Area Participation

Due to the emergent nature of COVID-19, rural areas were not consulted. OCFS will provide guidance, technical assistance, and outreach to those that are impacted by this rule. OCFS will send notice of this rule via email to impacted child care programs and post this information on the OCFS child care website. This will include the contact information of someone in OCFS to answer questions on this rule.

Job Impact Statement

1. Nature of Impact:

The New York State Office of Children and Family Services (OCFS) does not anticipate that this rule will have a negative impact on employment opportunities at child care programs in any region of New York State. This regulatory change is necessary to prevent further closure of the child care programs.

2. Categories and Numbers Affected:

It is estimated that there are 15,106 licensed/registered child care programs and 276 enrolled legally-exempt group child care programs.

3. Regions of Adverse Impact:

This rule applies to licensed/registered and enrolled legally-exempt group child care programs. There are no regions where this rule will have a disproportionate adverse impact on employment opportunities.

4. Minimizing Adverse Impact:

OCFS does not anticipate an adverse impact.

Assessment of Public Comment

The agency received no public comment.

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-40-21-00008-P

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

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of State under the subheading "Office of Renewable Siting," by increasing the number of positions of Special Assistant from 2 to 3.

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-40-21-00009-P

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

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To delete positions from and classify positions in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Audit and Control, by decreasing the number of positions of Administrative Specialist 1 from 29 to 25 and by increasing the number of positions of Citizen Services Representative from 4 to 8.

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

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

Jurisdictional Classification

I.D. No. CVS-40-21-00010-P

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

Proposed Action: Amendment of Appendices 1 and 2 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Mental Hygiene under the subheading "Office of Mental Health," by decreasing the number of positions of Associate Counsel from 4 to 3 and Deputy Commissioner from 4 to 3 and by adding thereto the position of Deputy Counsel; and

Amends Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading "Office of Mental Health," by increasing the number of positions of Associate Commissioner for Mental Health from 6 to 7.

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

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

Jurisdictional Classification

I.D. No. CVS-40-21-00011-P

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

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing position in the exempt class, in the Department of Law, by increasing the number of positions of Assistant Attorney General from 691 to 693 and Investigator 1 from 202 to 204.

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov
Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

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

Jurisdictional Classification

I.D. No. CVS-40-21-00012-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Civil Service, by deleting therefrom the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1); in the Education Department, by deleting therefrom the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1); in the Executive Department under the subheading "Gaming Commission," by deleting therefrom the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1); in the Executive Department under the subheading "Office of Information Technology Services," by deleting therefrom the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1); in the Executive Department under the subheading "Statewide Financial System," by deleting therefrom the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1); in the Department of Family Assistance under the subheading "Office and Children and Family Services," by deleting therefrom the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1); in the Department of Family Assistance under the subheading "Office of Temporary and Disability Assistance," by deleting therefrom the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1); in the Department of Financial Services, by deleting therefrom the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1); in the Department of Health, by deleting therefrom the positions of øChief Information Security Officer 1 (2) and øChief Information Security Officer 2 (1) and by adding thereto the positions of øChief Information Security Officer (2); in the Department of Labor under the subheading "State Insurance Fund," by deleting therefrom the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1); in the Department of Law, by deleting therefrom the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1) and by adding thereto the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1).

ing thereto the position of øChief Information Security Officer (1); in the Department of Taxation and Finance, by deleting therefrom the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1); in the Department of Transportation, by deleting therefrom the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1); and, in the New York State Thruway Authority, by deleting therefrom the position of øChief Information Security Officer 1 (1) and by adding thereto the position of øChief Information Security Officer (1).

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-40-21-00013-P

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

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text of proposed rule: Amends Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "State Board of Elections," by increasing the number of positions of Administrative Assistant from 7 to 11, Assistant Manager Information Services from 1 to 4, Deputy Counsel from 2 to 6, Manager Information Services from 2 to 3 and by adding thereto the positions of Training Associate (4).

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-40-21-00014-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Westchester County under the subheading "Department of Law," by adding thereto the position of øDirector of Risk Management (1).

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-40-21-00015-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)
Subject: Jurisdictional Classification.

Purpose: To classify a position in the non-competitive class.
Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in in the State University of New York under the subheading "College of Environmental Science and Forestry," by increasing the number of positions of Administrative Assistant 2 from 2 to 3.
Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

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

Jurisdictional Classification

I.D. No. CVS-40-21-00016-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To delete a position from and classify a position in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Corrections and Community Supervision, by deleting therefrom the position of Correctional Services Guidance Specialist (Veterans Affairs) (1) and by adding thereto the position of Correctional Services Guidance Specialist (Veterans Services) (1).

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

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was

previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

**Department of Environmental
 Conservation**

NOTICE OF ADOPTION

Application of Site-Specific Fecal Indicator Bacteria (Enterococcus) Water Quality Standards to Class I and Class SD Waters

I.D. No. ENV-03-21-00010-A

Filing No. 1007

Filing Date: 2021-09-17

Effective Date: 2021-10-06

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

Action taken: Amendment of section 703.4 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 3-0301(2)(a), 17-0301(5)(c)(3) and (7)

Subject: Application of Site-Specific fecal indicator bacteria (enterococcus) water quality standards to Class I and Class SD Waters.

Purpose: Add site-specific standards to Class I and SD waters to provide additional water quality protection of the existing best uses.

Text of final rule: A new subdivision (g) within section 703.4 is adopted to read as follows:

(g) *Site-Specific Enterococci*

Standards in the table below will be assessed as a geometric mean of samples collected over a 30-day period during the recreational season of May 1st through October 31st. The recreational season may be expanded in any instance where the department determines it necessary to protect human health or the best usages of the waters, or where required by State or Federal law or interstate compact. Units for the standard are number per 100 mL (colony-forming units or most probable number).

Waterbody Name	Regulatory Segment ID	Waterbody Classification	Site-Specific Standard Boundaries	Standard
Hudson River (portion)	864-1	I	Entire Regulatory Segment	35
Coney Island Creek	890-5	I	Entire Regulatory Segment	315
Erie Basin	890-6.1	SD	Entire Regulatory Segment	35
Gowanus Canal	890-7	SD	Entire Regulatory Segment	35
Raritan Bay Portion	890.11	I	Entire Regulatory Segment	35
Arthur Kill (portion)	890-12	I	Entire Regulatory Segment	115
Arthur Kill (portion)	890-13	SD	Entire Regulatory Segment	70
Newark Bay	890-14	SD	Entire Regulatory Segment	35

Waterbody Name	Regulatory Segment ID	Waterbody Classification	Site-Specific Standard Boundaries	Standard	Waterbody Name	Regulatory Segment ID	Waterbody Classification	Site-Specific Standard Boundaries	Standard
Kill Van Kull	890-15	SD	Entire Regulatory Segment	115	Tribs. of Jamaica Bay	891-2	I	Entire Regulatory Segment	35
New Creek	890-18	I	Entire Regulatory Segment	35	Hook Creek	891-3	I	Entire Regulatory Segment	115
Great Kill Creek	890-19	I	Entire Regulatory Segment	35	Trib. of Hook Creek	891-4	I	Entire Regulatory Segment	115
Oakwood Creek	890-20	I	Entire Regulatory Segment	35	Thurston Basin	891-8	I	Entire Regulatory Segment	115
Bedell Avenue Creek	890-27	I	Entire Regulatory Segment	35	Bergen Basin	891-12	I	Entire Regulatory Segment	150
Mill Creek	890-28	I	Entire Regulatory Segment	35	Hawtree Basin	891-13	I	Entire Regulatory Segment	35
Tribs. of Arthur Kill	890-30	SD	Entire Regulatory Segment	115	Shellbank Basin	891-14	I	Entire Regulatory Segment	35
Fresh Kills	890-34	SD	Entire Regulatory Segment	115	Trib. of Jamaica Bay	891-15	I	Entire Regulatory Segment	35
Tribs. of Arthur Kill	890-41	SD	Entire Regulatory Segment	115	Old Mill Creek	891-16	I	Entire Regulatory Segment	35
Trib. of Arthur Kill	890-42	SD	Entire Regulatory Segment	115	Tribs. of Jamaica Bay	891-17	I	Entire Regulatory Segment	35
Bridge Creek	890-44	SD	Entire Regulatory Segment	115	Sheepshead Bay	891-21	I	Entire Regulatory Segment	35
Bodine Creek	890-45	SD	Entire Regulatory Segment	35	East River (10.1-12.3)	935-1	I	Entire Regulatory Segment	35
Trib. of Kill Van Kull	890-49	SD	Entire Regulatory Segment	35	East River (12.3-14.5)	935-2	I	Entire Regulatory Segment	35
Trib. of Kill Van Kull	890-50	SD	Entire Regulatory Segment	35	Steinway Creek	935-4	SD	Entire Regulatory Segment	35
East River	890-52	I	Entire Regulatory Segment	35	Trib. of East River	935-5	SD	Entire Regulatory Segment	35
East River	890-53	I	Entire Regulatory Segment	35	Flushing Creek	935-6	I	Entire Regulatory Segment	115
Lower Newtown Creek, Whale Creek, Dutch Kills, and Maspeth Creek	890-54	SD	From the mouth at East River upstream to the head of the turning basin, just north of Maspeth Ave. Includes all of Whale Creek, Dutch Kills and Maspeth Creek	35	Tribs. of East River	935-11	I	Entire Regulatory Segment	35
Upper Newtown Creek and English Kills	890-54	SD	From the head of the turning basin, just north of Maspeth Ave, upstream to terminus of the main stem of the Creek and all other upstream tribs. Includes all of English Kills	115	Alley Creek	935-13	I	Entire Regulatory Segment	70
Harlem River, Little Hell Gate, Bronx Kill	890-56	I	Entire Regulatory Segment	35	Trib of Little Neck Bay	935-17	I	Entire Regulatory Segment	35
Harlem River	890-56.1	I	Entire Regulatory Segment	35	Bronx River	935-18	I	Entire Regulatory Segment	35
					Westchester Creek and Pugsley Creek	935-47	I	Entire Regulatory Segment	70

Final rule as compared with last published rule: Nonsubstantial changes were made in section 703.4(g).

Text of rule and any required statements and analyses may be obtained from: Michelle Tompkins, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3500, (518) 402-8221, email: WQSRulemakings@dec.ny.gov

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

Revised Regulatory Impact Statement

The waters of New York State (both freshwater and saline) are grouped into classes and, within those classes, criteria are assigned to protect their best usages. There are five classes of marine waters defined in Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Part 701: SA, SB, SC, I, and SD.

The New York State Department of Environmental Conservation

(NYSDEC) is proposing amendments to 6 NYCRR § 703.4 to improve protection of the secondary contact recreation and fishing best uses in Class I and Class SD waters. Through this proposed rule making, NYSDEC is adding site-specific fecal indicator bacteria (FIB) for select Class I and Class SD waters. The proposed site-specific FIB criteria are based on measurements of enterococcus bacteria and would supplement the current total and fecal coliform FIB criteria for these waters.

The proposed rule making would add a new paragraph (g) to 6 NYCRR § 703.4. The proposed rule making does not make any changes to 6 NYCRR § 701.13 or 701.14. The best uses of the Class I and SD waters were, and remain, “secondary contact recreation and fishing” and “fishing,” respectively.

The proposed rule making would impact limited waters of the State; the affected Class I and SD waters are located in and around New York City (NYC).

1. Statutory authority:

The general authority to promulgate regulations is found in New York State Environmental Conservation Law (ECL) § 3-0301(2)(a). ECL § 3-0301(2)(a) provides that the Commissioner of NYSDEC may adopt regulations to carry out the purposes of the ECL in general.

ECL § 17-0301(5)(c)(3) requires NYSDEC to adopt basic criteria for coliform FIB to protect for “Sources of water for bathing, fishing, boating, and any other usages except shellfishing for market purposes in tidal salt waters...” ECL § 17-0301(5)(c)(7) further authorizes NYSDEC to “adopt and assign more restrictive standards for the best usages of the waters of the state.” Using that authority, the proposed rule making adds site-specific FIB criteria to provide additional protections for the I Class I and SD waters but does not alter or modify the existing FIB criteria (total and fecal coliform). The proposed site-specific FIB criteria are for enterococcus criteria.

2. Legislative objectives:

ECL § 3-0301(2)(a) was enacted with the purpose of providing NYSDEC the authority to “adopt, amend, or repeal environmental standards, criteria, and those rules and regulations having the force and effect of standards and criteria...”

ECL § 17-0301(5)(c) provides more specific requirements on how FIB criteria shall be regulated in NYS waters to protect, among other things, recreational uses.

ECL § 17-0301(5)(c)(7) provides the authority to impose more restrictive criteria.

3. Needs and benefits:

The current FIB criteria that protect secondary contact recreation and fishing best uses in the Class I waters are fecal and total coliform criteria, as per ECL § 17-0301(5)(c)(3) and 6 NYCRR § 703.4 (as amended in 2015). Those same FIB criteria are also used to protect the fishing best use in the Class SD waters. Pursuant to ECL § 17-0301(5)(c)(7) the Department has the authority to impose more restrictive criteria. The proposed site-specific FIB enterococcus criteria are more restrictive than the current criteria and are a better indicator of fecal pollution in marine waters.

NYC is currently under an administrative consent order with NYSDEC to abate and control combined sewer overflows (CSOs) which discharge raw sewage to the waters in and around NYC during wet weather events. A key component of the consent order is that NYC must draft and submit Long Term Control Plans (LTCPs) to NYSDEC for approval, and then implement such approved LTCPs. The LTCPs detail the CSO loads to the waters, the impacts those loads have on water quality, recommended plans to eliminate or reduce the CSO loads, and identify practices to implement based on a cost-benefit analysis. LTCPs include a Financial Capability Analysis performed according to the “Combined Sewer Overflows: Guidance for Financial Capability Assessment and Schedule Development” (USEPA, 1997). In these analyses, NYC is required to assess the cost of CSO abatement measures for water quality improvement against the median household income of ratepayers (the “Residential Indicator” or “RI”) and the “Financial Capability Indicators” (FCI) of the City as a whole, considering among other things municipal bond rating, unemployment rates, and tax revenues. The scores of these analyses are combined into a matrix to determine overall impact, and most of the NYC CSO projects are classified as a “medium-burden” financially. This is ideal, as a “high-burden” project would mean NYC is overextending financial capability, and a “low-burden” score means NYC is not maximizing available resources. The United States Environmental Protection Agency (USEPA) Region 2 reviewed all the LTCPs, including the financial capability components, and did not object to the approval of the LTCPs. Additionally, USEPA and their consultants performed independent financial capability analyses concluding that the current plans are reasonable with respect to financial burden, and other plans, such as 100% CSO capture, are overly burdensome.

The current NYC LTCPs also include evaluations of enterococcus levels in the subject waters. This includes modeling of enterococcus levels following construction of the practices included in the LTCPs. The proposed

rule making takes the modeled enterococcus attainment levels and memorializes them in NYS regulations as site-specific FIB criteria to provide a better measure of the health of the waterbodies.

The proposed standards are scientifically rational and protective of the best uses based on data found in the Exposure Factor Handbook (USEPA, 2019), which publishes estimated water ingestion rates during various activities. The Handbook suggests secondary contact recreation carries approximately one-tenth the risk of water ingestion of that of primary contact. Extrapolating this level of risk based on USEPA’s estimated ingestion rates to their 2012 Recreational Water Quality Criteria (RWQC) for primary contact recreation (35 cfu/100mL) suggests enterococci criteria ≤ 350 cfu/100mL will be protective of secondary contact recreation. All proposed site-specific criteria are below this concentration.

4. Costs:

The proposed rule making does not impose additional costs upon NYSDEC, the State, or local governments.

The proposed rule making memorializes water quality attainment levels projected to be reached by completion of LTCPs, which NYC is currently obligated to complete under an administrative consent order. Funds to complete those LTCPs have already been committed and are not affected by the proposed rule making.

A) New York City

In NYC, there are numerous municipal wastewater treatment plants and several other regulated parties that discharge into Class I and SD waters. All current dischargers are required to disinfect their effluent, as such, no significant additional costs will be incurred by these facilities. As mentioned above, NYC is already obligated through an administrative consent order to implement its LTCPs, and therefore, the proposed rule making does not impose costs on regulated persons or local governments in NYC above and beyond costs that are currently required.

5. Local government mandates:

The proposed rule making does not impose mandates on local governments. As discussed in Section 4 of this statement, the proposed rule making also does not impose any mandates that are not already required.

6. Paperwork

No paperwork - recordkeeping or reporting - will be imposed.

7. Duplication:

The amendments to 6 NYCRR § 703.4 cause no duplication, overlap or conflict with any other state or federal government programs or rules.

8. Alternative:

Alternatives to this proposal include: (1) No action, or not amending 6 NYCRR § 703.4 and (2) applying water quality standards to the Class I and SD water more stringent than those proposed.

No Action – Although NYC is under an administrative consent order to complete the LTCPs, there is no regulatory mechanism in placeto ensure that the water quality end goals, including enterococcus levels, projected by the LTCPs are attained.

More Stringent Standards – Applying water quality standards to the Class I and SD waters more stringent than those proposed (e.g., wholesale application of the 2012 RWQC to all Class I and Class SD waters) could result in dangerous and improper use of the subject waters, financial hardship for NYC, and postponement or abandonment of current water quality improvement projects that would lead to potential decrease in water quality.

To achieve, or come close to achieving, the 2012 RWQC, NYC would need to capture 100% of all CSO discharges for treatment. The investments to achieve that level of capture exceed \$20 billion. These costs would be passed onto rate payers in NYC and cause a significant financial burden. Even with 100% CSO capture, water quality modeling suggests some waters would still not be in compliance with the 2012 RWQC.

The Class I and SD waters are mostly industrial waterways, not safe for many types of recreation, particularly swimming. If DEC were to adopt the 2012 RWQC, it would send a misleading message that these waters are safe for swimming. More stringent criteria do not directly improve water quality and could cause swimmer exposure to harmful bacteria under certain conditions. Physical hazards such as swift currents, commercial boat traffic, and rocky/bulkheaded shorelines also exist in these waters that could lead to personal injury or death for those choosing to swim in them.

The current project commitments were agreed upon by NYC and DEC based on existing water quality standards. Required compliance with the 2012 RWQC would necessitate a significant reevaluation and restructuring of the CSO abatement program currently underway by NYC, causing immediate loss of environmental benefits and jobs due to the delay or complete stoppage of work.

9. Federal standards:

There are currently no federal FIB criteria required or recommended for the protection of secondary contact recreation and fishing best uses.

10. Compliance schedule:

The proposed rule making does not require a compliance schedule.

Revised Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed rule making applies to any local governments and/or small businesses that have permitted discharges of treated and untreated sanitary sewage into Class I or Class SD waters (I/SD waters). The affected I/SD waters are located in and around New York City (NYC).

2. Compliance Requirements:

In NYC, there are numerous municipal wastewater treatment plants and several other regulated parties that discharge into I/SD waters. All current dischargers are required to disinfect their effluent, as such, no significant additional costs will be incurred by these facilities. NYC is already obligated, through an administrative consent order, to implement its Long Term Control Plans (LTCPs), and therefore, the proposed rule making does not impose any costs on regulated entities or local governments beyond those costs that are currently required.

The proposed rule making does not require a compliance schedule.

3. Professional Services:

NYC is already obligated to implement its LTCPs, and therefore, the proposed rule making does not require professional services beyond those costs that are currently required. As part of the previously obligated work, professional services of consulting engineers would likely be needed for the design and construction management of pollution abatement facilities. Consulting engineers provide the sampling and analysis, modeling, engineering, facilities planning, project development and management expertise to assist NYC in implementation of future projects.

4. Compliance Costs:

The Regulatory Impact Statement (RIS) discusses the costs of complying with the proposed rule making. However, as discussed above and in the RIS, there are no new costs to regulated parties, small businesses, or local and state governments associated with the proposed rule making. The regulated parties are currently required by legal consent orders to implement LTCPs. Upon completion of construction projects prescribed by the LTCPs, the site-specific FIB criteria established in the rule making are projected to be attained.

5. Economic and Technological Feasibility:

The proposed rule making further protects the existing secondary contact recreation and fishing best uses in the I/SD waters by creating site-specific FIB criteria based on measurements of enterococcus. The site-specific FIB criteria are more stringent criteria than currently is required for these waters. However, various technologies exist that can be used for pollution abatement to comply with the site-specific criteria. NYC is already obligated, through implementation of their LTCPs, to make certain infrastructure upgrade investments, and therefore, the proposed rule making does not require technologies beyond those already required.

6. Minimizing Adverse Impact:

As discussed above and in the RIS, there are no new costs to regulated parties, small businesses, or local and state governments associated with the proposed rule making. The proposed rule making takes the modeled enterococcus attainment levels from the LTCPs and memorializes them in NYS regulations as site-specific FIB criteria. NYC is already obligated to develop and implement the LTCPs under an administrative consent order.

LTCPs includes a Financial Capability Analysis performed according to the "Combined Sewer Overflows: Guidance for Financial Capability Assessment and Schedule Development" (USEPA, 1997). In these analyses, NYC is required to assess the cost of CSO abatement measures for water quality improvement against the median household income of ratepayers (the "Residential Indicator" or "RI") and the "Financial Capability Indicators" (FCI) of the City as a whole, considering among other things municipal bond rating, unemployment rates, and tax revenues. The scores of these analyses are combined into a matrix to determine overall impact, and most of the NYC CSO projects are classified as a "medium-burden" financially. This is ideal, as a "high-burden" project would mean NYC is overextending financial capability, and a "low-burden" score means NYC is not maximizing available resources.

7. Small Business and Local Government Participation:

The proposed rule making relies upon ECL §§ 3-0301 and 17-0301 for statutory authority, both of which require NYSDEC to hold a public hearing to receive comments from stakeholders on the proposed rule making.

8. Cure Period or Other Opportunity for Ameliorative Action:

The proposed rule making does not modify or establish violations or penalties, therefore no cure period is required.

Revised Rural Area Flexibility Analysis

The proposed rule making does not impact any rural areas as defined in New York State Administrative Procedure Act Section 102(10). The proposed rule making would impact limited waters of the state, the affected Class I and SD waters are located in and around New York City. There are no designated rural areas in New York City. Therefore, the New York State Department of Environmental Conservation has determined that a Rural Area Flexibility Analysis is not required.

Revised Job Impact Statement

A job impact statement is not required for the proposed rule making because it does not have a substantial adverse impact on jobs and employment opportunities. The New York State Department of Environmental Conservation (NYSDEC) is proposing amendments to 6 NYCRR § 703.4 to add site-specific fecal indicator bacteria (FIB) criteria to Class I and Class SD waters (I/SD waters) to protect the secondary contact recreation and fishing best usages. The proposed site-specific FIB criteria are based on measurements of enterococcus bacteria and would supplement the current total and fecal coliform FIB criteria for these waters.

The proposed rule making would impact limited waters of the state; the affected I/SD waters are located in and around New York City (NYC).

The proposed rule making does not result in the loss of any jobs in New York State. Therefore, NYSDEC has determined that a Job Impact Statement is not required.

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

1. Comment: New York State Department of Environmental Conservation (NYSDEC) has not provided significant scientific rationale for setting the site-specific standards at the proposed values and demonstrating how they are protective of the fishing and secondary contact recreation best uses. Additionally, NYSDEC set certain site-specific standards too high to protect the best uses, particularly in Coney Island Creek. (Commenters 1, 2, 3, 4, 7, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 25, 26, 28, 32 & 34)

Response: The proposed Class I and SD site-specific criteria improve protection of the fishing and secondary contact recreation best uses by supplementing the baseline total and fecal coliform criteria with the addition of enterococci criteria. New York State Environmental Conservation Law (ECL) § 17-0301(5)(c)(7) grants NYSDEC authority to "adopt and assign more restrictive standards for the best usages of the waters of the state." In 2015, NYSDEC increased protection for the fishing and secondary contact recreation best uses in the Class I and SD waters by adding the more stringent fecal coliform standard. Those fecal coliform criteria, which remain in place for the waters, are already protective of the designated best uses. The current proposal adds enterococci criteria to the Class I and SD waters using the same ECL authority.

The scientific rationale for the proposed enterococci criteria aligns with the United States Environmental Protection Agency's (USEPA) Exposure Factor Handbook, which publishes estimated water ingestion rates during various activities. The Handbook suggests secondary contact recreation carries approximately one-tenth the risk of water ingestion of that of primary contact. Extrapolating this level of risk based on EPA's estimated ingestion rates to their 2012 Recreational Water Quality Criteria (RWQC) for primary contact recreation (35 cfu/100mL) suggests enterococci criteria ≤ 350 cfu/100mL will be protective of secondary contact recreation (See Appendix I for additional detail or <https://www.dec.ny.gov/regulations/121933.html>). All proposed site-specific criteria are below this concentration, including that of Coney Island Creek. NYSDEC prepared a revised Regulatory Impact Statement which includes this additional scientific justification.

2. Comment: The proposed site-specific standards are not protective of primary contact recreation and not in compliance with USEPA's 2012 Recreational Water Quality Criteria (RWQC) recommendations. Additionally, NYSDEC has failed to set an enterococcus statistical threshold value (STV) for the subject Class I and SD waters, as required by the 2012 RWQC. (Commenters 1, 2, 3, 4, 7, 10, 11, 12, 13, 14, 16, 17, 20, 21, 22, 25, 26, 27, 29, 32 & 34)

Response: The best uses of Class I and Class SD waters are fishing and secondary contact recreation, and fishing, respectively, not primary contact recreation. It was affirmed that the best uses of the Class I and Class SD waters did not include primary contact recreation when the Albany Supreme Court issued a decision dismissing a NYCPLR Article 78 petition brought against NYSDEC for the adoption of its 2020 Class I and SD water quality amendments (Riverkeeper, Inc. v. NYSDEC, Sup. Ct. Albany County, March 19, 2021, Bartlett, J., index No. 905345-20). Pursuant to ECL § 17-0301(5)(c)(7), NYSDEC has the authority to "adopt and assign more restrictive standards for the best usages of the waters of the state." As the best uses of Class I and Class SD waters are fishing and secondary contact recreation, and fishing, respectively, the proposed site-specific criteria for Class I and Class SD waters are not required to protect a best use of primary contact recreation or to comply with USEPA's 2012 RWQC. The STV is a component of the 2012 RWQC for primary contact recreation and is therefore not applicable to this rule making. Additionally, NYSDEC prepared a revised Regulatory Impact Statement which includes further discussion why the proposed criteria are scientifically rational whereas applying more stringent criteria is not a viable alternative.

3. Comment: “The State’s proposed January 2021 amendments... do not align with the City’s 2030 goals represented in the CSO Consent Order...” (Commenters: 1, 2, 13, 17, 22, 24, 25, 26, 32 & 34)

Response: This comment is outside of the scope of the current rule making. NYSDEC believes this reference is to the City of New York’s 2030 goals for Citywide Green Infrastructure implementation, which would be unaffected by the proposed rule.

4. Comment: NYSDEC did not provide sufficient public outreach on the proposed rule and the rule making hearing was mislabeled as a “webinar.” (Commenters 1, 2, 13, 17, 22, 25, 26 & 33)

Response: NYSDEC adhered to the appropriate public notice requirements under the State Administrative Procedures Act (SAPA) and the ECL. Pursuant to the SAPA § 202(1)(ii), notice of the proposed rule was published at least sixty days prior to the scheduled public hearing. Specifically, on January 20, 2021, notice of the proposed rule and notice of the public hearing was published in the New York State Register, The New York Post, NYSDEC’s Environmental Notice Bulletin, and on NYSDEC’s website. An additional notice of the public hearing was published in The New York Post on January 27, 2021 pursuant to ECL § 17-0301(10). The announcement documents were clear that the purpose of the event was to conduct a public hearing on the proposed rule, as required by the ECL § 17-0301(4). Due to Executive Order 202.15, requirements to hold in-person public hearings were suspended as a result of the COVID-19 pandemic. The virtual hearing conducted on March 23, 2021 was labeled as a public hearing “webinar” in the hearing announcement documents to convey the format of the event, since it was not in-person. Although public information meetings are sometimes conducted as part of NYSDEC rule making efforts, they are not a requirement of the ECL or SAPA.

5. Comment: New York City Department of Environmental Protection’s (NYCDEP) long term control plans (LTCPs) do not adequately control CSO discharges to the subject waters. (Commenters: 7, 10, 11, 12, 14, 15 & 16)

Response: This comment is outside of the scope of the current rule making, however as explained in the revised Regulatory Impact Statement, the LTCPs detail the CSO loads to the waters, the impacts those loads have on water quality, recommended plans to eliminate or reduce the CSO loads, and identify practices to implement based on a cost-benefit analysis. The current NYC LTCPs also include evaluations of enterococcus levels in the subject waters. This includes modeling of enterococcus levels following construction of the practices included in the LTCPs.

6. Comment: NYSDEC is lowering the water quality standards for the subject Class I and Class SD waterbodies. (Commenters: 18, 23 & 29)

Response: See response to comments #1 and #2.

7. Comment: NYSDEC needs to perform a use attainability analysis (UAA) if the true designated uses of the Class I and Class SD waters are not primary contact recreation. (Commenters: 27 & 28)

Response: NYSDEC has consistently maintained that the best uses of Class I and Class SD waters are and were fishing and secondary contact recreation, and fishing, respectively. Additionally, NYSDEC has continually conveyed that the best uses of the Class I and SD waters were never changed to primary contact recreation. Since NYSDEC is not designating a new best use or removing a use that is not an existing use, a UAA is not required per 40 C.F.R. 131.10(g).

8. Comment: “Although reducing CSO volume is a means of improving water quality, it is the pathogen standard that must be used as the regulatory criteria in verifying that CSO volumes are appropriately restricted to protect health and the environment.” (Commenters: 8 & 9)

Response: NYSDEC uses its water quality standards for fecal indicator bacteria to evaluate reductions in pollutant concentrations projected by LTCPs. Although the concentration reductions are largely driven by reductions in CSO volume, the water quality standards themselves do not restrict CSO or wastewater volume. The current proposed rule memorializes the anticipated results of NYCDEP’s previously agreed upon commitments of the LTCPs and uses the proposed enterococci water quality criteria to ensure their eventual completion.

9. Comment: The proposed site-specific standards are a health threat to human consumers of fish. (Commenter 23)

Response: There are no enterococci water quality standards or USEPA recommended criteria that protect the health of human consumers of fish. Anyone that takes and eats any marine species from any NYS waters should familiarize themselves with the New York State Department of Health’s Fish Consumption Advisories.

10. Comment: “Please explain why the proposed enterococci criteria only apply May 1st to October 31st, and how this proposed application is fully protective of the applicable designated use(s).” (Commenter 28)

Response: As mentioned in the response to Comment #1, the proposed site-specific criteria are additional standards to improve protection of the best uses. The existing total and fecal coliform water quality standards will continue to be applied per the requirements of 6 NYCRR § 703.4(c) providing year-round protection of the best uses of most Class I and Class

SD waters. Application of the proposed site-specific enterococci water quality standards will improve protection of the best usages NYSDEC expects to occur during the period of greatest secondary contact recreation and fishing in NYS waters (May 1st – October 31st). This is consistent with the application of the enterococci criteria for Class SA and SB coastal recreation waters during the period of May 1st – October 31st. 6 NYCRR § 703.4(f)(1)(i).

11. Comment: “NYSDEC’s proposal indicates that the site-specific criteria are intended to provide additional protections beyond the fecal and total coliform-based criteria.

However, on March 7, 2018, EPA disapproved NYSDEC’s 2015 revised fecal and total coliform-based criteria for these waters, rendering those criteria inapplicable under the CWA for protection of any designated use including PCR, SCR, or fishing.” (Commenter 28)

Response: USEPA’s March 7, 2018 letter cited above disapproved NYSDEC’s more stringent coliform criteria specific to primary contact recreation and made no mention of other best uses. From the subject letter: “...the EPA hereby disapproves the revised water quality criteria at 6 NYCRR §§ 703.4(a) and (b) because they are not scientifically defensible and not protective of the primary contact recreation designated use of Class I and Class SD saline surface waters.” USEPA’s disapproval was based on USEPA’s inaccurate assertion that NYSDEC changed the best usages of Class I and Class SD waters to primary contact recreation, which it did not. Therefore, the March 7, 2018 letter has no bearing on the current rule making. As described in the response to comment #2, the best uses of Class I and Class SD waters are fishing and secondary contact recreation, and fishing, respectively; not primary contact recreation. A fact that was affirmed in a recent state court decision Riverkeeper, Inc. v. NYSDEC. Regardless of the status of the fecal and total coliform-based criteria under federal law, those criteria apply to the Class I and Class SD waters and are valid under state law. Furthermore, regardless of the status of the fecal and total coliform-based criteria under federal law, that is separate from the status of the proposed enterococci criteria.

12. Comment: “By adopting site-specific FIB criteria for enterococcus during the recreational season in addition to the existing FIB criteria for total and fecal coliform that also apply on an annual basis, DEC is taking appropriate steps to protect the uses of the Class I and SD waters to which the Proposed Criteria will apply.” (Commenter 31)

Response: NYSDEC acknowledges this comment.

Commenter List

Commenter #	Name	Affiliation
1	Tom McGlinchey	None
2	Danny Stiener	None
3	Sarah Gallagher	Upper Green Side
4	James Scarella	Natural Resources Protective Association
5	Janet McKee	None
6	Anthony Rose	Natural Resources Protective Association, Kayak Staten Island
7	Marlene Donnelly	None
8	Margaret Maugenest	None
9	Miranda Sielaff	None
10	Brad Vogel	None
11	Jack Riccobono	None
12	Penn Rhodeen	None
13	Matt Malina	NYC H2O
14	Katia Kelly	None
15	Andrew Cichon	None
16	Susan Yung	None
17	Julie Welch	SWIM
18	Charles Denson	Coney Island History Project
19	Catherine Skopic	None
20	Linda Cohen	None
21	Erin Palmer	Pace Environmental Law Clinic
22	Antonio Reynoso	NYC Council Member, 34th District
23	Ida Sandoff	Natural Resources Protective Association
24	Beryl Thurman	North Shore Waterfront Conservancy of Staten Island, Inc., Environmental Justice and North Shore Waterfront Communities
25	Stephen Levin	NYC Council Member, 33th District
26	Ira Gershenhorn	None
27	Jonathan Skalski	None
28	Javier Laureano	USEPA R2
29	Greg Remaud	NY/NJ Baykeeper
30	Gowanus CAG	N/A
31	Marcella Eckels	NYC DEP
32	Amy Motzny	Gowanus Canal Conservancy
33	Willis Elkins	Newtown Creek Alliance
34	Merry Camhi	New York Aquarium

Department of Financial Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Principle-Based Reserving

I.D. No. DFS-40-21-00001-P

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

Proposed Action: This is a consensus rule making to amend Part 103 (Regulation 213) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 4217 and 4517

Subject: Principle-Based Reserving.

Purpose: To update citation to the Valuation Manual to 2021 (instead of 2020) in Footnote 1 to section 103.3(b).

Text of proposed rule: Footnote 1 to section 103.3(b) is amended as follows:

¹ The [2020] 2021 Valuation Manual, published by the National Association of Insurance Commissioners, is hereby incorporated by reference in this Part. The [2020] 2021 Valuation Manual is readily available without charge at the following internet address: https://www.naic.org/pbr_data.htm. The [2020] 2021 Valuation Manual is also available for public inspection and copying at the New York State Department of Financial Services, One State Street, New York, NY 10004.

Text of proposed rule and any required statements and analyses may be obtained from: Amanda Fenwick, Department of Financial Services, One Commerce Plaza, Albany, New York 12257, (518) 474-7929, email: Amanda.Fenwick@dfs.ny.gov

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

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

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

Consensus Rule Making Determination

No person is likely to object to this amendment, which adopts the most recent edition (2021) of the Valuation Manual published by the National Association of Insurance Commissioners (“NAIC”), replacing the rule’s current reference to the 2020 Valuation Manual.

Insurance Law section 4217 sets forth rules for the valuation of insurance policies and contracts and Insurance Law section 4217(g) requires principle-based reserving (“PBR”) for certain individual and group life insurance policies and annuity contracts. The minimum standard for the valuation of all such policies and contracts is the standard prescribed in the NAIC’s Valuation Manual as adopted by the Superintendent of Financial Services by regulation.

PBR is also a NAIC accreditation standard. Thus, this amendment is necessary for the Department of Financial Services (“Department”) to maintain its accreditation status with the NAIC.

The Department determines this rule to be a consensus rule, as defined in State Administrative Procedure Act section 102(11) (“SAPA”) and it is proposed pursuant to SAPA section 202(1)(b)(i). Accordingly, this rulemaking is exempt from the requirement to file a Regulatory Impact Statement, Regulatory Flexibility Analysis for Small Businesses and Local Governments or a Rural Area Flexibility Analysis.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State.

Insurance Law section 4217(g) requires principle-based reserving (“PBR”) for certain individual and group life insurance policies and annuity contracts. The minimum standard for the valuation of all such policies and contracts must be the standard prescribed in the National Association of Insurance Commissioners (“NAIC”) valuation manual (the “Manual”) as adopted by the Superintendent of Financial Services by regulation. PBR is also a NAIC accreditation standard. This amendment to the regulation adopts the NAIC’s 2021 edition of the Manual, which also ensures continued compliance with the NAIC’s accreditation standards.

Department of Health

EMERGENCY RULE MAKING

Meeting Space in Transitional Adult Homes

I.D. No. HLT-19-21-00002-E

Filing No. 1006

Filing Date: 2021-09-17

Effective Date: 2021-09-17

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

Action taken: Amendment of section 487.13 of Title 18 NYCRR.

Statutory authority: Social Services Law, section 461

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

Specific reasons underlying the finding of necessity: This proposal is immediately necessary to ensure full compliance with existing Transitional Adult Home regulations, which seek to promote resident access to providers who help residents consider and pursue community transition. Under the existing regulatory requirements, all adult home operators must “provide space for residents to meet privately with staff of the facility, visitors or other service providers” (18 NYCRR 487.11[1][12]), and Transitional Adult Home operators must “cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities” (18 NYCRR 487.4[h]). In addition, 18 NYCRR 487.4(h) provides that “[t]he operator shall not attempt to influence or otherwise discourage individual residents from meeting” with those enumerated providers.

Despite these requirements, providers have reported to the Department that they have visited certain Transitional Adult Homes for the purpose of assisting residents considering or in the process of pursuing transition to the community and were unable to meet with residents in a space that allowed for private conversations. In several instances, providers have reported that residents have been discouraged from meeting with them due to the inability to meet in private. This proposal will establish criteria for a suitable private meeting space to help ensure that conversations are fully private, thereby allowing residents to adequately explore the services that would be available to them in the community without fear of being overheard or retaliated against by facility staff.

Full and immediate compliance with these regulatory requirements is also necessary to ensure that care is provided in the most integrated settings, as required by *Olmstead v. L.C.*, 527 U.S. 581 (1999) and as emphasized in Governor Cuomo’s Executive Order No. 84.

Subject: Meeting Space in Transitional Adult Homes.

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

Text of emergency rule: Pursuant to the authority vested in the Commissioner of Health by section 461 of the Social Services Law, section 487.13 of Title 18 (Social Services) of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) is hereby amended, to be effective upon filing with the Secretary of State, to read as follows:

Paragraph (5) of subdivision (b) of section 487.13 is amended to read as follows:

(5)(i) Housing contractors means housing providers that have contracted with the Office of Mental Health to provide residents with information regarding housing alternatives and community services, *assess residents to determine their housing and service needs and preferences*, and make community housing available to residents pursuant to such contracts.

(ii) *Peer bridger agencies mean agencies that have contracted with the Office of Mental Health to provide residents with access to peer bridgers. Peer bridgers are individuals employed by, or whose services have otherwise been retained by, peer bridger agencies, and who use their training and experience to provide mentoring and support to residents considering community transition.*

Subdivision (h) of section 487.13 is amended to read as follows:

(h) The operator shall cooperate with the community transition coordinator, housing contractors, [and] *peer bridger agencies, care managers, health [home] homes, and managed long-term care [plan assessors]*

plans and shall provide, without charge, space for residents to meet privately with such individuals or entities. The operator shall not attempt to influence or otherwise discourage individual residents from meeting with such entities and individuals.

New subdivisions (i) and (j) are added to section 487.13 to read as follows:

(i) *Space provided for meetings with providers defined in this section shall be:*

(1) *a minimum of 160 square feet;*

(2) *above grade level;*

(3) *adequately lighted and ventilated and meet the temperature requirements of subdivision (m) of section 487.11;*

(4) *with a door that closes to ensure conversations held within the space are private and that outside disruptions are minimized;*

(5) *space separate and distinct from an occupied or reserved resident room or space used primarily for storage; and*

(6) *space that is not under surveillance by adult home staff.*

(j) *Upon request from the Department, operators shall be required to submit a plan to the Department, in the form and format prescribed by the Department, explaining how the operator will meet the space requirements set forth in subdivision (i) of this section. Operators shall have 30 calendar days to submit such plan from the date of the Department's request. The operator shall implement the plan upon approval by the Department.*

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HLT-19-21-00002-P, Issue of May 12, 2021. The emergency rule will expire November 15, 2021.

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

Regulatory Impact Statement

Statutory Authority:

Social Services Law (SSL) section 461(1) requires the Department of Health (Department) to promulgate regulations establishing general standards applicable to adult care facilities.

Legislative Objectives:

The legislative objective of SSL section 461 is to promote the health and well-being of adults residing in adult care facilities.

Needs and Benefits:

The proposed regulatory changes are necessary to bring Transitional Adult Homes into full compliance with current regulations at Title 18 of the New York Codes, Rules and Regulations (NYCRR), Part 487, which seek to promote resident access to service providers specializing in promoting community transition. A Transitional Adult Home is an adult home with a certified capacity of 80 or more beds in which 25 percent or more of the resident population are persons with serious mental illness (see 18 NYCRR 487.13[b][1]). Persons with serious mental illness are "individuals who meet criteria established by the commissioner of mental health, which shall be persons who have a designated diagnosis of mental illness" and "whose severity and duration of mental illness results in substantial functional disability" (18 NYCRR 487.2[c]).

Specifically, Transitional Adult Home operators are required under 18 NYCRR 487.13(h) to cooperate with providers seeking to meet with residents to discuss "community services," defined in 18 NYCRR 487.13(b)(3) as "services and supports provided in New York State that assist individuals with mental illness to live in the community." Transitional Adult Home operators must also "cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities. The operator shall not attempt to influence or otherwise discourage individual residents from meeting with such entities and individuals" (18 NYCRR 487.13[h]). Further, all adult homes—including Transitional Adult Homes—must "provide space for residents to meet privately with staff of the facility, visitors or other service providers" (18 NYCRR 487.11[1][12]).

Despite these existing regulations, service providers have reported to the Department that they have visited certain Transitional Adult Homes for the purpose of assisting residents considering community transition, or who are in the process of such transition, and were unable to meet with residents in a space that allowed for private conversations, pursuant to the requirements of 18 NYCRR 487.13(h). In several instances, providers have reported that residents have been discouraged from meeting with them due to the inability to meet privately.

To address these concerns from service providers and ensure that Transitional Adult Homes are meeting regulatory requirements, this proposal will establish criteria for suitable meeting space that will permit

private conversations, allowing residents to explore or pursue community transition without fear of being overheard or retaliated against by facility staff. For clarity for all stakeholders, this proposal will also update the definitions set forth in 18 NYCRR 484.13(b), which identify the service providers who may meet with residents to discuss community services. Specifically, the proposal will update the existing definition of "housing contractors" to provide that such agencies also assess residents for housing and other services that residents would need in the community. In addition, the proposal will add a definition of Peer Bridger agencies, which are contracted by the Office of Mental Health to establish mentoring relationships with residents and help answer questions they may have about community transition.

By strengthening compliance with existing regulations that seek to promote resident access to community transition service providers, this proposal will protect resident health, safety, and well-being. This proposal is thus consistent with the legislative objectives of SSL section 461(2) and with the State's overall efforts to ensure that care is provided in the most integrated settings, as required by *Olmstead v. L.C.*, 527 U.S. 581 (1999), and as emphasized in Governor Cuomo's Executive Order No. 84.

Costs:

Costs to Private Regulated Parties:

Transitional Adult Homes are already required by existing regulations to make space available so that residents may meet privately with providers. The regulation seeks only to delineate criteria that will ensure that Transitional Adult Homes are meeting the current regulatory requirements to provide private space for service provider meetings regarding community transition and to not discourage individual residents from attending such meetings. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the regulation by requesting to decertify a room that would otherwise be occupied by residents and foregoing the revenue for that room. However, the regulation does not expressly direct such action, and it is incumbent upon an operator to comply with all existing regulations, including the current requirement to make space available for residents to meet privately with providers. This proposal merely clarifies what constitutes adequate space for private meetings and thus does not directly impose new costs upon Transitional Adult Homes.

Costs to Local Government:

This proposal will not impact local governments unless they operate Transitional Adult Homes, in which case the impact would be the same as outlined above for private parties.

Costs to the Department of Health:

The Department will utilize existing resources to request, review and approve plans delineating how Transitional Adult Homes will comply with the regulations and to monitor compliance with the approved plan.

Costs to Other State Agencies:

The regulatory changes will not result in any additional costs to other state agencies.

Local Government Mandates:

Local governments that operate Transitional Adult Homes must comply with this regulation. No new local government program, project or activity is required by these regulations.

Paperwork:

The regulatory changes require that upon the request of the Department, Transitional Adult Home operators will have 30 days to submit a plan to the Department explaining how the operator will meet the space requirements.

Duplication:

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

Alternatives:

The Department found no viable alternatives to incentivize full compliance with existing regulations absent a regulatory amendment defining what constitutes adequate space for service provider meetings regarding community transition. Doing nothing is also not a viable option, given the ongoing violations of 18 NYCRR 487.4(h) and concerns that residents' rights to explore community transition were being infringed.

Federal Standards:

These regulations do not duplicate or conflict with any federal regulations.

Compliance Schedule:

The regulations will be effective on an emergency basis upon filing with the Secretary of State.

Regulatory Flexibility Analysis

Effect of Rule:

These regulatory changes will affect Transitional Adult Homes that constitute small businesses or are operated by local governments. At present, according to data available at healthdata.ny.gov, there are 37 Transitional Adult Homes.

Compliance Requirements:

This proposal will build upon the existing requirements of 18 NYCRR 487.11(l)(12), which provides that all adult home operators must “provide space for residents to meet privately with staff of the facility, visitors or other service providers,” and 18 NYCRR 487.4(h), which provides that Transitional Adult Home operators “shall cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities.” This proposal will establish criteria for suitable meeting space that will permit such private conversations to occur, and it will require Transitional Adult Home operators to submit a plan to the Department, upon the request and subject to the approval of the Department, to explain how such requirements will be met.

Professional Services:

Small businesses will need no additional professional services to comply with the regulatory changes.

Compliance Costs:

Costs to Private Regulated Parties:

Transitional Adult Homes are already required by existing regulations to make space available so that residents may meet privately with providers. The specific criteria outlined in the regulation define what was already required under the existing regulations – that the space be adequate to permit privacy in conversations about community transition and not be conducive to efforts to discourage individual residents from meeting with those providers. This proposal merely clarifies what constitutes sufficient space for private meetings and thus does not impose new costs upon Transitional Adult Homes. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the regulation by requesting to decertify a room that would otherwise be occupied by residents and foregoing the receipt of revenue for that room. However, the regulation does not direct such action, and it is incumbent upon an operator to comply with all existing regulations, including the requirement to make space available for residents to meet privately with providers.

Costs to Local Government:

This proposal will not impact local governments unless they operate Transitional Adult Homes, in which case the impact would be the same as outlined above for private parties.

Economic and Technological Feasibility:

This proposal will not impose any economic or technological compliance burdens. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the regulation by decertifying a room that would otherwise be occupied by residents and foregoing the revenue for that room. However, as noted above, operators were already responsible for making space available for residents to meet privately with providers under existing regulations; therefore, any associated costs are not new, and are not directly imposed by this regulation.

Minimizing Adverse Impact:

The Department will work with Transitional Adult Homes to ensure that they are aware of the requirements, including issuing administrative guidance.

Small Business and Local Government Participation:

Small business and local governments were not consulted; however, small businesses and local governments were able to submit public comments during the public comment period of the proposed regulation, which was published on May 12, 2021.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010 (<http://quickfacts.census.gov>). At present, two Transitional Adult Homes are located in one of these counties.

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

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

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2010. At present, six Transitional Adult Homes are located in one of these counties.

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

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

This proposal will build upon the existing requirements of 18 NYCRR 487.11(l)(12), which provides that all adult home operators must “provide space for residents to meet privately with staff of the facility, visitors or other service providers,” and 18 NYCRR 487.4(h), which provides that Transitional Adult Home operators “shall cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities.” This proposal will establish criteria for suitable meeting space that will permit such private conversations to occur, and it will require Transitional Adult Home operators to submit a plan to the Department, upon the request and subject to the approval of the Department, to explain how such requirements will be met.

Costs:

Transitional Adult Homes are already required by existing regulations to make space available so that residents may meet privately with providers. The specific criteria outlined in the regulation define what was already required under the existing regulations – that the space be adequate to permit privacy in conversations about community transition and not be conducive to efforts to discourage individual residents from meeting with those providers. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the regulation by requesting to decertify a room that would otherwise be occupied by residents and foregoing the receipt of revenue for that room. However, it is incumbent upon an operator to comply with all existing regulations, and Transitional Adult Home operators are already responsible under existing regulations for making space available for residents to meet privately with providers. This proposal merely clarifies what constitutes sufficient space for private meetings and thus does not impose new costs upon Transitional Adult Homes.

Minimizing Adverse Impact:

The Department will work with Transitional Adult Homes to ensure that they are aware of the requirements, including issuing administrative guidance, as necessary.

Rural Area Participation:

The Transitional Adult Homes located in rural areas were able to submit public comments during the public comment period for the proposed rule, which was published on May 12, 2021.

Job Impact Statement

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

Assessment of Public Comment

The agency received no public comment.

Office of Mental Health

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

COVID-19 Masking Program

I.D. No. OMH-40-21-00007-EP

Filing No. 1005

Filing Date: 2021-09-16

Effective Date: 2021-09-16

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

Proposed Action: Addition of Part 556 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.07, 7.09 and 31.04

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

Specific reasons underlying the finding of necessity: The immediate adoption of this amendment is necessary for the preservation of health, safety, and welfare.

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. According to Johns Hopkins' Coronavirus Resource Center, as of July 14, 2021, there have been over 188 million cases and over 4 million deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions. Given the disproportionate adverse health impacts of COVID-19 for older adults and those with comorbidities, many of whom reside in New York's facilities, it is imperative that these facilities facilitate the appropriate masking of their staff. Based on the foregoing, the Office has made the determination that this emergency regulation is necessary to best protect the residents of New York's facilities

For all of the reasons outlined above, this rule is being adopted on an Emergency basis until such time as it has been formally adopted through the SAPA rule promulgation process.

Subject: COVID-19 Masking Program.

Purpose: To implement a COVID-19 mask program.

Text of emergency/proposed rule: A new Part 556 titled COVID-19 Mask Requirement, is added to read as follows:

556.1 Background and intent.

(a) COVID-19 is an unpredictable disease that can cause serious illnesses and death. In response to this increased public health threat, New York must take active steps to prevent and control transmission of COVID-19. The seriousness of the continuing threat and the failure to achieve acceptable vaccination rates through voluntary programs necessitate further action.

556.2 Legal Base.

(a) Section 7.07 of the Mental Hygiene Law charges the Office of Mental Health with the responsibility for seeing that persons with mental illness are provided with care and treatment, and that such care, treatment and rehabilitation is of high quality and effectiveness.

(b) Section 7.09 of the Mental Hygiene Law gives the Commissioner of the Office of Mental Health the power and responsibility to adopt regulations that are necessary and proper to implement matters under the Commissioner's jurisdiction.

(c) Section 31.04 of the Mental Hygiene Law grants the Commissioner of Mental Health the power and responsibility to adopt regulations to effectuate the provisions and purposes of Article 31 of the Mental Hygiene Law, including procedures for the issuance and amendment of operating certificates, and for setting standards of quality and adequacy of facilities.

556.3 Applicability.

(a) This Part applies to:

(1) any provider of services which operates or proposes to operate a facility, or a residential program licensed, certified, designated or funded by the Office of Mental Health.

(2) hospitals, facilities, corrections-based programs, and residential programs operated by the Office of Mental Health.

556.4 Definitions pertaining to this Part.

(a) Facility shall mean:

(1) a Hospital as defined hereinafter,

(2) a provider of services which operates or proposes to operate a congregate residential program licensed, certified, or funded by the Office of Mental Health, or

(3) an out-patient program licensed, certified, designated or funded by the Office of Mental Health.

(b) Hospital shall mean a hospital named in Mental Hygiene Law section 7.17(b), or operated pursuant to Parts 580, 582, or 590 of this Title, and any provider of services co-located within such hospital campus.

(c) Staff shall mean all persons employed or affiliated with a Facility, whether paid or unpaid, including but not limited to employees, corrections-based staff, members of the medical, nursing, and other treatment staff, contract staff, students, and volunteers, who engage in activities such that if they were infected with COVID-19 they could potentially expose patients to the disease.

556.5 Requirements for All Facilities.

(a) Effective immediately, all Programs shall have policies and procedures in place to ensure all staff, visitors and individuals receiving services regardless of vaccination status wear appropriate masks, consistent with any infection control guidance issued by this Office.

(b) As determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread, all Hospital and Facility staff, contractors, vendors, visitors, patients, residents, clients, and all other individuals who enter the indoor premises of such Hospital or Facility, must wear masks at all times regardless of vaccination status, except when alone in an office or room, or actively eating or drinking.

(c) For purposes of this section face-coverings shall include, but are not limited to, cloth masks, surgical masks, and N-95 respirators that are worn to completely cover a person's nose and mouth.

(d) Face coverings are not required to be worn by:

(1) Children under two years of age,

(2) A person with a disability who cannot wear a mask, or cannot safely wear a mask, for reasons related to the disability, or

(3) A person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by an Occupational Health and Safety Administration workplace risk assessment.

556.6 Enforcement.

(a) The Office will enforce the provisions of this Part pursuant to its oversight authority in Mental Hygiene Law Articles 7 and 31.

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 December 14, 2021.

Text of rule and any required statements and analyses may be obtained from: Sara Paupini, Office of Mental Health, 44 Holland Avenue, Albany, NY 12229, (518) 474-1331, email: sara.paupini@omh.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:

(a) Section 7.07 of the Mental Hygiene Law (MHL) charges the Office of Mental Health (OMH) with the responsibility for seeing that persons with mental illness are provided with care and treatment, and that such care, treatment and rehabilitation is of high quality and effectiveness.

(b) Section 7.09 of the Mental Hygiene Law gives the Commissioner of the Office of Mental Health the power and responsibility to adopt regulations that are necessary and proper to implement matters under their jurisdiction.

(c) Section 31.04 of the Mental Hygiene Law grants the Commissioner of Mental Health the power and responsibility to adopt regulations to effectuate the provisions and purposes of article 31 of such law, including procedures for the issuance and amendment of operating certificates, and for setting standards of quality and adequacy of facilities.

2. Legislative Objectives:

To implement a COVID-19 mask program through MHL §§ 7.07, 7.09 and 31.04 which provide the Commissioner of Mental Health with the authority to protect the health and life of the people of the State of New York including by controlling the spread of communicable diseases. COVID-19 is an unpredictable disease that can cause serious illnesses and death. In response to this increased public health threat, New York must take active steps to prevent and control transmission of COVID-19. The seriousness of the continuing threat and the failure to achieve acceptable vaccination rates through voluntary programs necessitate further action. Collectively, the legislative purpose of these statutes is to protect the residents of New York's mental health facilities by providing safe, effective, and adequate care.

3. Needs and Benefits:

These regulations are necessary to prevent the spread of COVID-19 in facilities licensed, certified, funded and operated by the Office of Mental Health and to help ensure the health and life of residents of these facilities. This requirement will help reduce the spread of COVID-19 and ensure residents are less likely to suffer a COVID-related death or severe illness.

COVID-19 is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. Given the disproportionate adverse health impacts of COVID-19 for adults and those with comorbidities, many of whom receive treatment in New York's facilities, it is imperative that all steps are taken, including wearing masks, to prevent the spread of the disease.

Based on the foregoing, the Office has made the determination that this emergency regulation is necessary to best protect the residents of the Office of Mental Health's licensed and operated facilities.

4. Costs:

(a) Costs to Regulated Parties:

The purpose of this regulation is to require licensed and operated OMH facilities to promptly coordinate the COVID-19 masking of their residents and personnel. Costs are expected to be minimal.

(b) Costs to Local and State Governments:

This regulation will not have a significant impact on local or State governments unless they operate an OMH licensed facility or hospital in which case costs will be the same as costs for private entities. There may be limited additional agency costs for administrative oversight.

5. Local Government Mandates:

Hospitals and residences operated by local governments will be affected and will be subject to the same requirements as any other hospital licensed under Article 31.

6. Paperwork:

This regulation imposes no additional paperwork.

7. Duplication:

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

8. Alternatives:

The Office believes that the promulgation of this regulation is the most effective means to ensure that OMH licensed, certified, funded and operated facilities and hospitals adequately ensure appropriate masking is occurring to prevent the spread of COVID-19. Accordingly, the alternative of not issuing these regulations was rejected, as the potential for serious illness and possible death of both staff and residents as a result of a COVID-19 outbreak outweighed the risk of rejecting such a mandate.

9. Federal Standards:

The regulatory amendments do not exceed any minimum standards of the Federal Government for the same or similar subject areas.

10. Compliance Schedule:

This rulemaking will be effective upon filing a Notice of Emergency Adoption and Notice of Proposed Rulemaking in the State Register.

Regulatory Flexibility Analysis

Effect of Rule:

There are approximately 35 county operated mental health clinics. Including all OMH funded ambulatory and residential providers, there are over 100 such providers. This regulation will not impact local governments or small businesses unless they operate a facility licensed by this Office.

Compliance Requirements:

This regulation primarily requires facilities and hospitals to promptly coordinate the masking of all individuals and personnel entering such facilities or hospitals.

Professional Services:

No professional services are required by this regulation.

Compliance Costs:

This regulation requires OMH licensed and operated facilities and hospitals to promptly coordinate the masking of their residents and personnel. Costs are expected to be minimal given the current prevalence of masking.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

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

Small Business and Local Government Participation:

Given the seriousness of COVID-19 if contracted, particularly by older

adults or persons with comorbidities, small business and local governments were not directly consulted. However, the Office will notify such entities of the existence of these regulations and the opportunity to submit comments or questions to the Department.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

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

This regulation imposes no additional paperwork. Although the regulation may require recordkeeping by facilities, including documentation in personnel files, these records must already be maintained by facilities. Additionally, no additional professional services are required by this regulation.

Compliance Costs:

Costs are expected to be minimal given the prevalence of masking in health facilities.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

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

Rural Area Participation:

Given the seriousness of the COVID-19 virus particularly in congregate care settings and the need for services to be provided in person where appropriate, facilities located in rural areas were not directly consulted. However, the Office will notify covered entities located in rural areas of the existence of these regulations and the opportunity to submit comments or questions to the Office.

Job Impact Statement

A Job Impact Statement for this regulation is not being submitted because it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on jobs and/or employment opportunities.

Office for People with Developmental Disabilities

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Mandatory Face Coverings in OPWDD Certified Services

I.D. No. PDD-40-21-00002-EP

Filing No. 1000

Filing Date: 2021-09-16

Effective Date: 2021-09-16

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

Proposed Action: Addition of section 633.26 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b) and 16.00

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

Specific reasons underlying the finding of necessity: The emergency adoption of a new section, 14 NYCRR 633.26, that requires face coverings for all staff, volunteers, contractors, vendors, visitors and individuals receiving services when in facilities or providing services that are certified or operated by OPWDD, is necessary to protect the health, safety, and

welfare of individuals who receive these services. This regulation must be issued by emergency regulation giving the increasing transmission of COVID-19 despite vaccines being available. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards.

Subject: Mandatory Face Coverings in OPWDD Certified Services.

Purpose: To protect public health.

Text of emergency/proposed rule: A new section 633.26 is added to read as follows:

633.26 Mandatory Face Coverings

(a) Applicability

(1) This section applies to all agencies providing services or operating facilities that are certified or operated by OPWDD (hereinafter "Providers of Services").

(b) Legal Basis

(1) Section 13.07 of the Mental Hygiene Law charges the OPWDD with the responsibility for seeing that persons with developmental disabilities are provided with care and treatment, and that such care, treatment and rehabilitation is of high quality and effectiveness.

(2) Section 13.09 of the Mental Hygiene Law gives the commissioner of OPWDD the power and responsibility to adopt regulations that are necessary and proper to implement matters under his or her jurisdiction.

(3) Section 16.00 of the Mental Hygiene Law grants the commissioner of OPWDD the power and responsibility to adopt regulations to effectuate the provisions and purposes of article 16 of such law, including procedures for the issuance and amendment of operating certificates, and for setting standards of quality and adequacy of facilities.

(4) Section 16.11 of the Mental Hygiene Law authorizes the commissioner of OPWDD to provide for the oversight of facilities and providers of services holding operating certificates pursuant to section 16.03 of this article.

(c) Mask wearing requirements

(1) All Providers of Services shall require all staff, volunteers, contractors, vendors, visitors and individuals receiving services to wear appropriate face coverings, consistent with any directives issued by OPWDD and consistent with guidance from the Centers for Disease Control and Prevention (CDC).

(d) Exemptions from face covering requirements

(1) Face coverings are not required to be worn by:

(i) Children under two years of age

(ii) A person with a disability who cannot wear a mask, or cannot safely wear a mask, for reasons related to the disability, or

(iii) A person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by an Occupational Health and Safety Administration workplace risk assessment.

(e) Enforcement

(1) OPWDD will enforce this mandate as part of its oversight activities in accordance with the authority set forth in subsection b of this section.

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 December 14, 2021.

Text of rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Avenue, 3rd Floor, Albany NY 12209, (518) 474-7700, email: rau.unit@opwdd.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.

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed

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

Regulatory Impact Statement

1. Statutory authority:

a. The Office for People With Developmental Disabilities (OPWDD) has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law (MHL) Section 13.07.

b. OPWDD has the statutory authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the NYS MHL Section 13.09(b).

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in

the NYS MHL Section 16.00. The regulation also ensures compliance by OPWDD certified and operated residences with the proper provision of services.

d. OPWDD has the statutory authority to provide for the oversight of facilities and providers of services holding operating certificates, as stated in the NYS MHL Section 16.11.

2. Legislative objectives: The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00. The proposed regulation adds Title 14 NYCRR Section 633.26 in order to protect individuals receiving services from providers certified or operated by OPWDD.

3. Needs and benefits: The proposed regulation adds Title 14 NYCRR Section 633.26 to require face coverings for all staff, volunteers, contractors, vendors, visitors and individuals receiving services when in facilities or providing services that are certified or operated by OPWDD. This regulation is necessary to protect the health, safety, and welfare of individuals who receive services from providers that are certified or operated by OPWDD. This regulation is being proposed due to the increasing transmission of COVID-19 and despite vaccines being available. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards.

4. Costs:

a. Costs to the agency and to the State and its local governments:

There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations, as the entities that provide these services will only be providing such services to individual's already receiving Medicaid, in accordance with existing OPWDD policies and processes.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements.

b. Costs to private regulated parties: There will not be any anticipated costs to regulated providers to comply with the proposed regulations. The regulation requires face coverings for all staff, volunteers, contractors, vendors, visitors and individuals receiving services when in facilities or providing services that are certified or operated by OPWDD. Throughout the past two years there have been various masking requirements for these providers. Therefore, there are no new anticipated costs.

5. Local government mandates: This rule would not apply to local government units. There are no new requirements imposed by the rule on any other county, city, town, village; or school, fire, or other special district.

6. Paperwork: Providers will not experience an increase in paperwork as a result of the proposed regulations.

7. Duplication: The proposed regulations do not duplicate any existing State or Federal requirements on this topic.

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations. These changes are necessary to protect public health and individuals receiving services from providers certified or operated by OPWDD.

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

10. Compliance schedule: OPWDD plans to adopt the regulations as an emergency regulation effective upon filing. Following the comment period OPWDD plans to adopt the regulation as permanent. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date(s).

Regulatory Flexibility Analysis

1. Effect of Rule:

a. This rule would apply to all providers certified or operated by OPWDD. This regulation would that requires face coverings for all staff, volunteers, contractors, vendors, visitors and individuals receiving services when in facilities or providing services that are certified or operated by OPWDD. This regulation is necessary to protect individuals receiving services at these facilities.

2. Compliance Requirements: These regulations will not require additional reporting requirements. Any entities that provide these services have had various masking requirements throughout the past two years and will continue to be required to follow OPWDD regulations.

3. Professional Services: This rule will not require additional professional services as the providers all already have compliance managers or staff tasked with following other OPWDD regulations.

4. Compliance Costs:

a. There will be no additional compliance costs. The regulation requires face coverings for all staff, volunteers, contractors, vendors, visitors and individuals receiving services when in facilities or providing services that

are certified or operated by OPWDD. This was previously a requirement prior to vaccines being available for COVID-19.

5. Economic and Technological Feasibility: The entities required to comply with this rule already have the technological capability to comply with this rule.

6. Minimizing Adverse Impact: There will be no adverse impact as a result of this rule because the rule applies to all providers of these services regardless of size. Furthermore, these entities have always had regulations to follow regarding public health and infection control. This regulation seeks to further those goals given the current pandemic, high rate of spread of COVID-19, and low vaccination rate.

7. Small Business and Local Government Participation: This rule would not apply to local governments. Provider and provider associations will have opportunities to comment during the regulatory comment period.

8. Establishment or Modification of Penalties: The rule does not modify or establish any new penalties.

9. Initial Review of the Rule: OPWDD will review the rule within the third calendar year after filing.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the regulation will not impose any adverse impact or significant reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed regulation.

The proposed regulation adds Title 14 NYCRR section 633.26 in order to require face coverings for all staff, volunteers, contractors, vendors, visitors and individuals receiving services when in facilities or providing services that are certified or operated by OPWDD. The regulation will not result in an adverse impact on rural communities because the regulation applies to all employees, volunteers, or contractors working at providers who are certified or operated by OPWDD. The proposed regulation will not result in costs for regulated parties. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

A Job Impact Statement for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on jobs and/or employment opportunities.

The proposed regulation adds Title 14 NYCRR section 633.26 in order to require face coverings for all staff, volunteers, contractors, vendors, visitors and individuals receiving services when in facilities or providing services that are certified or operated by OPWDD. The regulation will result in new compliance requirements for providers. However, throughout the past two years there have been face covering requirements on these types of providers so the compliance measures would be minimal and not overly burdensome. The regulation will not have a substantial impact on jobs or employment opportunities in New York State.

Public Service Commission

NOTICE OF ADOPTION

Gas Metering Equipment

I.D. No. PSC-52-20-00002-A

Filing Date: 2021-09-15

Effective Date: 2021-09-15

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

Action taken: On 9/9/21, the PSC adopted an order approving Consolidated Edison Company of New York, Inc. (ConEd) and Orange and Rockland Utilities, Inc.'s (O&R) petition to use the Itron 550G Encoder Receiver Transmitter for gas metering applications in New York State.

Statutory authority: Public Service Law, section 67(1)

Subject: Gas metering equipment.

Purpose: To approve ConEd and O&R's petition to use gas metering equipment.

Substance of final rule: The Commission, on September 9, 2021, adopted an order approving Consolidated Edison Company of New York, Inc. (ConEd) and Orange and Rockland Utilities, Inc.'s (O&R) petition to use the Itron 550G Encoder Receiver Transmitter with Sensus (formerly

Rockwell) R750 large diaphragm gas meters in commercial gas metering applications in New York State, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(20-G-0392SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-06-21-00011-A

Filing Date: 2021-09-15

Effective Date: 2021-09-15

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

Action taken: On 9/9/21, the PSC adopted an order approving BSD 685 New York PropCo LLC's (BSD 685) notice of intent to submeter electricity at 685 Fifth Avenue, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve BSD 685's notice of intent to submeter electricity.

Substance of final rule: The Commission, on September 9, 2021, adopted an order approving approving BSD 685 New York PropCo LLC's notice of intent to submeter electricity at 685 Fifth Avenue, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(20-E-0666SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-13-21-00020-A

Filing Date: 2021-09-15

Effective Date: 2021-09-15

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

Action taken: On 9/9/21, the PSC adopted an order approving 501 State Street Assoc, LLC's (501 State Street) notice of intent to submeter electricity at 501 State Street, Schenectady, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 501 State Street's notice of intent to submeter electricity.

Substance of final rule: The Commission, on September 9, 2021, adopted an order approving 501 State Street Assoc, LLC's notice of intent to submeter electricity at 501 State Street, Schenectady, New York, located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(21-E-0116SA1)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-16-21-00010-A

Filing Date: 2021-09-15

Effective Date: 2021-09-15

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

Action taken: On 9/9/21, the PSC adopted an order approving Casa Pasiva LLC's (Casa Pasiva) petition to submeter electricity at multiple addresses in Brooklyn, New York and request for a waiver of energy requirements of 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve Casa Pasiva's petition to submeter electricity and waiver request.

Substance of final rule: The Commission, on September 9, 2021, adopted an order approving Casa Pasiva LLC's petition to submeter electricity at 104-110 Grove Street, 116-120 Grove Street, 75 Linden Street, 93 Stockholm Street, 160 Harman Street, 173 Harman Street, and 181 Harman Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. and waiver of energy audit and energy efficiency plan requirements of 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(20-E-0390SA1)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-17-21-00003-A

Filing Date: 2021-09-15

Effective Date: 2021-09-15

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

Action taken: On 9/9/21, the PSC adopted an order approving 52-03 Center LLC's (52-03 Center) notice of intent to submeter electricity at 52-03 Center Boulevard, Long Island City, New York and request for a waiver of energy requirements of 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve 52-03 Center's notice of intent to submeter electricity and waiver request.

Substance of final rule: The Commission, on September 9, 2021, adopted an order approving 52-03 Center LLC's notice of intent to submeter electricity at 52-03 Center Boulevard, Long Island City, New York, located in the service territory of Consolidated Edison Company of New York, Inc. and waiver of energy audit and energy efficiency plan require-

ments of 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(21-E-0189SA1)

NOTICE OF ADOPTION

Waiver and Extension of Development Period

I.D. No. PSC-17-21-00004-A

Filing Date: 2021-09-15

Effective Date: 2021-09-15

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

Action taken: On 9/9/21, the PSC adopted an order approving Malta Land Company, LLC's (Malta) petition for a waiver of certain Niagara Mohawk d/b/a National Grid tariff provisions to allow for the extension of the Development Period.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Waiver and extension of Development Period.

Purpose: To approve Malta's petition for a waiver and an extension of the Development Period.

Substance of final rule: The Commission, on September 9, 2021, adopted an order approving Malta Land Company, LLC's (Malta) petition for a waiver of Niagara Mohawk d/b/a National Grid (National Grid) tariff rule 10.4 related to the extension of gas service to non-residing applicants. National Grid is directed to extend the Development Period, the time allowed for Malta, owner of the Plant Road Estates subdivision, to have end-users taking gas service for the remaining building lots of the Plant Road Estates subdivision, from April 28, 2021 through December 31, 2021, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(21-G-0191SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-20-21-00003-A

Filing Date: 2021-09-15

Effective Date: 2021-09-15

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

Action taken: On 9/9/21, the PSC adopted an order approving 30 Warren Condominium, LLC's (30 Warren) notice of intent to submeter electricity at 30 Warren Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 30 Warren's notice of intent to submeter electricity.

Substance of final rule: The Commission, on September 9, 2021, adopted an order approving 30 Warren Condominium, LLC's notice of intent to submeter electricity at 30 Warren Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(21-E-0179SA1)

NOTICE OF ADOPTION

Amendments to Pipeline Safety Regulations

I.D. No. PSC-23-21-00010-A

Filing Date: 2021-09-17

Effective Date: 2021-09-17

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

Action taken: On 9/9/21, the PSC adopted a memorandum and resolution approving, as a final rule, amendments to 16 NYCRR Part 10 and 255, regarding safety regulations pertaining to pipeline facilities.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Amendments to pipeline safety regulations.

Purpose: To adopt the memorandum and resolution approving amendments to 16 NYCRR Parts 10 and 255.

Substance of final rule: The Commission, on September 9, 2021, adopted a memorandum and resolution approving, as a final rule, amendments to 16 NYCRR Part 10 – Referenced Material and 255 – Transmission and Distribution of Gas, to maintain consistency with pipeline safety regulations promulgated by the Pipeline and Hazardous Materials Safety Administration (PHMSA) – part of the United States Department of Transportation, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(20-G-0560SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-24-21-00005-A

Filing Date: 2021-09-15

Effective Date: 2021-09-15

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

Action taken: On 9/9/21, the PSC adopted an order approving 18 Sixth Avenue Owner, LLC's (18 Sixth Avenue) notice of intent to submeter electricity at 18 Sixth Avenue, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 18 Sixth Avenue's notice of intent to submeter electricity.

Substance of final rule: The Commission, on September 9, 2021, adopted an order approving 18 Sixth Avenue Owner, LLC's notice of intent to submeter electricity at 18 Sixth Avenue, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

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

Assessment of Public Comment

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

(21-E-0244SA1)

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Disposition of a New York State Tax Refund

I.D. No. PSC-40-21-00019-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 New York American Water Company, Inc. regarding the proposed disposition of a tax refund from the New York State Department of Taxation and Finance in the amount of \$146,277.31.

Statutory authority: Public Service Law, section 113(2)

Subject: Disposition of a New York State tax refund.

Purpose: To determine the disposition of a tax refund obtained by New York American Water Company, Inc.

Public hearing(s) will be held at: 10:00 a.m., Nov. 23, 2021 by teleconference. (Public Statement Hearing)*

*On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 21-W-0356.

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

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

Substance of proposed rule: The Public Service Commission is considering a June 24, 2021 petition filed by New York American Water Company, Inc. (the Company) for a proposed disposition of a sales tax refund totaling \$146,277 from the New York State Department of Taxation and Finance for tax year January 1, 2019 through December 31, 2019 (2019 Tax Refund). The Company obtained the sales tax refund as a result of a reverse tax audit it initiated with the Department of Taxation and Finance.

In its June 24, 2021 petition, the Company proposes that the entire 2019 Tax Refund, minus expenses for associated with tax consultant auditing and related costs incurred to achieve the refund, should inure to the benefit of its customers. The Company asserts that it incurred incremental expenses of \$29,329 for tax consultants Reed Smith, LLP, and the resulting net refund totals approximately \$114,471.

The Company proposes to use the net refund to offset the Company's revenue allocation clause/property tax reconciliation surcharges (RAC/PTR surcharges) regulatory assets for Service Area 1, comprised of the Lynbrook District, five upstate water districts (Cambridge, Dykeer, Kingsvale, Waccabuc and Wild Oaks), the Mt. Ebo Water Company, Lucas Estates, Mill Neck Estates, and Spring Glen Lake; and Service Area 2, comprised of the Merrick District and the Sea Cliff District. The Company asserts that use of the 2019 Tax Refund would directly benefit customers by reducing applicable RAC/PTR regulatory assets and reduce the RAC/PTR surcharges, resulting in a rate base deduction that would be adjusted to reflect accumulated interest from the time of receipt of the 2019 Tax Refund to the time that the refund is distributed to customers.

The Company requests Commission approval under PSL § 113(2) of the Company's proposed method of disposition of the tax refund.

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

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

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

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

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

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

(21-W-0356SP1)

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

Commission's Order Adopting Utility Energy Registry Modifications

I.D. No. PSC-40-21-00017-P

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

Proposed Action: The Commission is considering two petitions for rehearing filed on September 13, 2021 related to the Commission's Order Adopting Utility Energy Registry Modifications issued on August 12, 2021.

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

Subject: Commission's Order Adopting Utility Energy Registry Modifications.

Purpose: To determine if the Commission committed errors of law or fact in its Order, or if new facts warrant a different result.

Substance of proposed rule: The Public Service Commission (Commission) is considering two petitions for rehearing related to the Commission's Order Adopting Utility Energy Registry Modifications issued on August 12, 2021 in Case 17-M-0315 (UER Order). On September 13, 2021, Multiple Intervenors and the Joint Utilities (collectively, Petitioners) separately filed petitions for rehearing of the UER Order, asserting that the Commission committed errors of law and fact when it adopted modifications to the Utility Energy Registry (UER) privacy screen for aggregated data. The Joint Utilities are Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Central Hudson Gas & Electric Corporation, National Fuel Gas Distribution Corporation, The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, Niagara Mohawk Corporation d/b/a National Grid, New York State Electric & Gas Corporation, and Rochester Gas and Electric Corporation.

As relevant to the petitions for rehearing, the UER Order modified the existing privacy screen utilized to ensure that customer energy usage data is sufficiently aggregated and anonymized such that no one individual customer can be identified through his/her/its usage. Prior to the UER Order, a privacy screen of 4/50 was used when populating the UER, meaning that in order to release an aggregated data set, the data must aggregate at least four customers, with no one customer accounting for more than 50% of the total load of the data set. The UER Order modified that privacy screen, removing the 50% of the total load threshold and simply requiring that an aggregated data set include at least four customers.

Each of the petitions asserts that the modified UER privacy screen will not adequately protect the confidentiality of individual customer energy data in certain circumstances, particularly as it pertains to large non-residential customers. Petitioners claim that the elimination of the usage percentage component of the privacy screen no longer protects from disclosure energy usage information where a customer makes up a significant portion of the data set's load. According to petitions, the modification to the privacy screen in the UER Order represents an error of law in that it departs from prior Commission policy designed to ensure the privacy of customer usage information without a valid justification for doing so. Moreover, the petitions assert that the Commission committed an error of fact when it relied on the New York State Energy Research and Development Authority UER Status Report in concluding that the modified privacy screen will sufficiently protect customer energy usage data from unauthorized disclosure.

Accordingly, in its petition, Multiple Intervenors requests that the Commission grant rehearing of the UER Order and modify the privacy screen adopted therein and/or its application, to protect the confidentiality of individual customer energy data more fully and completely. For their part, the Joint Utilities request that the Commission grant rehearing of the UER Order and reinstate the 4/50 privacy screen.

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

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

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

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

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

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

(17-M-0315SP3)

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

Notice of Intent to Submeter Electricity and Request for Waiver

I.D. No. PSC-40-21-00018-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 451 Tenth Avenue LLC to submeter electricity at 451 Tenth Avenue, New York, New York and request for waiver of the energy audit requirements pursuant to 16 NYCRR section 96.5(k)(3).

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

Subject: Notice of intent to submeter electricity and request for waiver.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by 451 Tenth Avenue LLC (Owner) on August 11, 2021, seeking authority to submeter electricity at a new market rate an income-based rental building located at 451 Tenth Avenue, New York, New York, located in the service territory of Consolidated Edison Company of New York Inc. (Con Edison). The petitioner also requested waiver of 16 NYCRR § 96.5(k)(3), the requirement for an energy audit for buildings where 20 percent or more of the residents receive income-based housing assistance.

In the notice of intent, 451 Tenth Avenue 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 is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96. The Commission is also considering the Owner's request for waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The Owner states that, because the building is new construction, it must comply with the current New York State Energy Conservation Construction Code, which provides strict energy conservation requirements for new and renovated buildings, including provisions addressing the design and construction of energy-efficient building envelopes, mechanical, lighting and power systems. For these reasons, the Owner asserts that an energy audit is not necessary in this case.

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

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

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

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

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

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

(21-E-0437SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-40-21-00020-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 Fortis Dumbo Acquisition LLC to submeter electricity at 30 Front Street, Brooklyn, 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 of Fortis Dumbo Acquisition LLC filed on August 30, 2021, to submeter electricity at 30 Front Street, Brooklyn, New York, a new market-rate condominium building located in the territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the notice of intent, Fortis Dumbo Acquisition LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(21-E-0465SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-40-21-00021-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 111 Leroy Condominium, LLC to submeter electricity at 111 Leroy Street, New York, NY 10014.

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 111 Leroy Condominium on May 12, 2021, seeking authority to submeter electricity at 111 Leroy Street, New York, NY, a fair market rate condominium building located in the service territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the notice of intent, 111 Leroy Condominium 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 is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(21-E-0288SP1)

State University of New York

**EMERGENCY
RULE MAKING**

State Basic Financial Assistance for the Operating Expenses of Community Colleges Under the Program of SUNY and CUNY

I.D. No. SUN-20-21-00005-E

Filing No. 1008

Filing Date: 2021-09-20

Effective Date: 2021-09-20

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

Action taken: Amendment of sections 602.8(c) and 602.13 of Title 8 NYCRR.

Statutory authority: Education Law, sections 355(1)(c), 6304(1)(b); L. 2020, ch. 53

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: The State University of New York finds that immediate adoption of amendments to the Code of Standards and Procedures for the Administration and Operation of Community Colleges (the Code) is necessary for the preservation of the general welfare and that compliance with the requirements of subdivision 1 Section 202 of the State Administrative Procedures Act ("SAPA") would be contrary to the public interest.

Chapter 53 of the Laws of 2021 (the "Aid to Localities Budget Bill") requires amendments to the existing funding formula for State financial assistance for operating expenses of community colleges of the State and City Universities of New York, to allow for proper calculations of funding amounts for both the 2020/21 and 2021/22 academic years. The amended funding formula is to be developed jointly with the City University of New York, subject to the approval of the Director of the Budget. The Aid to Localities Budget Bill also increases per student funding by \$50, from \$2,947 to \$2,997, and establishes a funding floor at the greater of 98 percent of the 2020/21 SUNY Approved Budget level or the new \$2,997 per student level.

Amendments to the Code on an emergency basis for the 2021-2022 fiscal year are necessary to:

1. provide timely State operating assistance to public community colleges of the State and City Universities of New York; and to

2. obtain the necessary revenue to maintain essential staffing levels, program quality, and accessibility.

Compliance with the provision of subdivision 1 of Section 202(6) of SAPA would be contrary to the public interest. The requirements of subdivision (1) of Section 202(6) of SAPA would not allow implementation of the State fiscal assistance provided in the Aid to Localities Budget Bill in time for the 2021-2022 community college fiscal year.

Subject: State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY.

Purpose: To modify limitations formula for basic State financial assistance and remove an operating support “floor”.

Text of emergency rule: Sections 602.8(c) and 602.13 of said Title 8 are amended to read as follows:

Section 602.8(c)

(c) Basic State financial assistance.

(1) Full opportunity colleges. The basic State financial assistance for community colleges, implementing approved full opportunity programs, shall be the lowest of the following:

(i) two-fifths (40%) of the net operating budget of the college, or campus of a multiple campus college, as approved by the State University trustees;

(ii) two-fifths (40%) of the net operating costs of the college, or campus of a multiple campus college; or

(iii) for the [current] 2020/21 college fiscal year and thereafter, the total of the following:

(a) *In a year during which overall support to the SUNY System has increased on both a year-to-year basis and over a multi-year period, and the final enacted state budget adopts the one-time five (5) percent withhold already included from the 2020/21 Enacted Budget. Absent such action, the [lesser] greater of:*

(1) the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by [\$2,947] \$2,997; or

(2) [the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by the \$2,947 amount as adjusted by actions taken by the Director of the State Budget in accordance with the additional authority granted by Chapter 53 of the Laws of 2020. Notwithstanding the preceding, if, following discussion and agreement between the chancellor of the state university of New York, or designee, and the director of the state budget, reductions in funding executed pursuant to Chapter 53 of the Laws of 2020 can be allocated to colleges in a methodology that will limit the financial impact to institutions, then the chancellor may provide a plan to do so to the board of trustees for approval and such plan will be used to provide available funding to colleges] 98 percent of the amount of basic State financial assistance for community colleges preliminarily approved by the State University of New York Trustees for the 2020/21 academic year; and

(b) up to one half (50 percent) of rental costs for physical space.

(2) Non-full opportunity colleges. The basic State financial assistance for community colleges not implementing approved full opportunity programs shall be the lowest of the following:

(i) one third (33 percent) of the net operating budget of the college, or campus of a multiple campus college, as approved by the State University trustees;

(ii) one third (33 percent) of the net operating costs of the college, or campus of a multiple campus college; or

(iii) for the college fiscal year [current] 2020/21 and thereafter, the total of the following:

(a) *In a year during which overall support to the SUNY System has increased on both a year-to-year basis and over a multi-year period, and the final enacted state budget adopts the one-time five (5) percent withhold already included from the 2020/21 Enacted Budget. Absent such action, the [lesser] greater of:*

(1) the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by [\$2,457] \$2,497; or

(2) [the budgeted or actual number (whichever is less) of full-time equivalent students enrolled in programs eligible for State financial assistance multiplied by the \$2,457 amount as adjusted by actions taken by the Director of the State Budget in accordance with the additional authority granted by Chapter 53 of the Laws of 2020. Notwithstanding the preceding, if, following discussion and agreement between the chancellor of the state university of New York, or designee, and the director of the state budget, reductions in funding executed pursuant to Chapter 53 of the Laws of 2020 may be allocated to colleges in an alternative manner that is in the best interest of the colleges operating under the program of the State University of New York and the SUNY system, then the chancellor may present a plan to do so to the board of trustees for ap-

proval and such plan will be used to provide available funding to colleges] 98 percent of the amount of basic State financial assistance for community colleges preliminarily approved by the State University of New York Trustees for the 2020/21 academic year; and

(b) up to one half (50 percent) of rental cost for physical space.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this subdivision, a community college or a new campus of a multiple campus community college in the process of formation shall be eligible for basic State financial assistance in the amount of one-third of the net operating budget or one-third of the net operating costs, whichever is the lesser, for those colleges not implementing an approved full opportunity program plan, or two-fifths of the net operating budget or two-fifths of the net operating costs, whichever is the lesser, for those colleges implementing an approved full opportunity program, during the organization year and the first two fiscal years in which students are enrolled.

Section 602.13

(a) Pursuant to section 30 of the General Municipal Law, the annual financial report shall be certified by the chief fiscal officer of the college and shall be filed with the State Comptroller within 60 days after the close of the college fiscal year. The chief fiscal officer is the college treasurer for purposes of this certification.

(b) The annual financial report shall be in compliance with article 126 of the Education Law, this Subchapter, and the manual for community college business offices, and on the forms and in accordance with instructions promulgated by the State Comptroller.

(c) The State University of New York, which shall also receive copies of the annual financial report, shall review the annual financial report for the purpose of the initial determination of the State liability.

(d) Any overpayment in State financial assistance for operating costs, as determined in the review of the annual financial report, shall be deducted from the second quarterly advance payment of State aid for the succeeding college fiscal year provided, however, that [such adjustments shall be made in accordance with the availability, or lack thereof, of funding provided by the State of New York following any execution of the Director of the Budget’s additional powers as provided by Chapter 53 of the Laws of 2020.] in a year during which overall support to the SUNY System has increased on both a year-to-year basis and over a multi-year period, and the final enacted state budget adopts the one-time five (5) percent withhold already included from the 2020/21 Enacted Budget, such adjustments shall be made in accordance with the actions taken by the State. Absent such action, in no case shall the amount of basic State financial assistance for operating costs received in the 2021/22 academic year be less than 98 percent of the amount of basic State financial assistance for operating costs preliminarily approved by the State University Board of Trustees for the 2020/21 academic year.

(e) Any underpayment in State financial assistance for operating costs, as determined in the review of the annual financial report, shall be processed in accordance with sections 602.3 and 602.9 of this Part.

(f) The college shall be subject to audit by the Office of the State Comptroller for the purpose of the final determination of the State liability.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. SUN-20-21-00005-EP, Issue of May 19, 2021. The emergency rule will expire November 18, 2021.

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

Regulatory Impact Statement

This is a technical amendment to implement the provisions of the 2020/21 and 2021/22 Enacted Budget bills. The amendment allows for the provision of State financial assistance for operating expenses of community colleges operating under the program of the State University of New York and the City University of New York.

Regulatory Flexibility Analysis

This is a technical amendment to implement the provisions of the 2021-2022 Budget Bill. The amendment provides for the provision of State financial assistance for operating expenses of community colleges operating under the program of the State University of New York and the City University of New York. It will have no impact on small businesses and local governments.

Rural Area Flexibility Analysis

This is a technical amendment to implement the provisions of the 2021-2022 Budget Bill. The amendment provides for the provision of State financial assistance for operating expenses of community colleges operating under the program of the State University of New York and the City

University of New York. This rule making will have no impact on rural areas or the recordkeeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

No job impact statement is submitted with this notice because the adoption of this rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. This rule making governs the financing of community colleges operating under the program of the State University and will not have any adverse impact on the number of jobs or employment opportunities in the state.

Assessment of Public Comment

The agency received no public comment.

EMERGENCY RULE MAKING

College Fees

I.D. No. SUN-28-21-00010-E

Filing No. 1009

Filing Date: 2021-09-20

Effective Date: 2021-09-20

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

Action taken: Amendment of section 302.3 of Title 8 NYCRR.

Statutory authority: Education Law, section 355(2)(b) and (h)

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: Amendment of these regulations needs to proceed on an emergency basis because increases to college fees are intended to be effective for the Fall 2021 semester. Billing for these new fees occurs during the summer of 2021; therefore, notice of the new rates needs to occur as soon as possible.

Subject: College Fees.

Purpose: To increase the college fee charged at the four University Centers of SUNY.

Text of emergency rule: Section 302.3. College fees.

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. SUN-28-21-00010-EP, Issue of July 14, 2021. The emergency rule will expire November 18, 2021.

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

Regulatory Impact Statement

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

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

3. **Needs and Benefits:** The present measure increases the College Fee

at the four University Centers to support needed investments to compete for new federal research dollars, specifically the pending United States Innovation and Competition Act of 2021.

4. **Costs:**

The College Fee for students enrolled in SUNY's four University Centers specified in Paragraph #2 will increase from \$62.50 to \$137.50 per semester. The estimated \$9.5 million in additional revenue will be utilized by the University Centers to expand applied learning opportunities for student researchers, to invest in high tech equipment and laboratory improvements, and to invest in new and existing faculty members.

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

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

7. **Duplication:** None.

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

9. **Federal Standards:** None.

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

Assessment of Public Comment

The agency received no public comment.

EMERGENCY RULE MAKING

State University of New York Tuition and Fee Schedule

I.D. No. SUN-28-21-00017-E

Filing No. 1010

Filing Date: 2021-09-20

Effective Date: 2021-09-20

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

Action taken: Amendment of section 302.1(b) of Title 8 NYCRR.

Statutory authority: Education Law, section 355(2)(b) and (h)

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: Amendment of these regulations needs to proceed on an emergency basis because tuition increases are intended to be effective for the Fall 2021 semester. Billing for these new tuition rates occurs during the summer of 2021; therefore, notice of the new rates needs to occur as soon as possible.

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

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

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

(b) Tuition charges as listed in the following table for categories of students, terms and programs, and as modified, amplified or explained in

footnotes 1 through [12]/13 are effective with the 20[19]21 fall term and thereafter.

	Charge per Semester		Charge per Semester credit hour ¹ Special Students	
	New York State residents	Out-of-State residents	New York State residents	Out-of-State residents
(1) Students enrolled in degree-granting undergraduate programs leading to an associate degree and non-degree granting programs of at least one regular academic term in duration which have been approved as eligible for Tuition Assistance Program Awards	\$3,535 \$3,235 ²	\$8,490 [\$5,520] \$5,660 ³ \$5,420 ⁴ [\$5,500] \$5,750 ⁵ [\$5,775] \$5,920 ⁶ \$8,490 ⁷ [\$8,490] \$8,915 ⁸ \$4,240 ^{[8]19}	\$295	\$708 [\$460] \$472 ³ \$452 ⁴ [\$458] \$479 ⁵ [\$481] \$493 ⁶ \$708 ⁷ [\$708] \$743 ⁸ \$353 ^{[8]19}
(2) Students enrolled in degree-granting undergraduate programs leading to a baccalaureate degree and non-degree granting programs of at least one regular academic term in duration which have been approved as eligible for Tuition Assistance Program Awards	\$3,535 \$3,235 ²	\$8,490 [\$12,370 ¹⁰] \$12,495 ¹¹ [\$12,330 ¹¹] \$12,455 ¹² \$8,915 ⁸ \$5,305 ^{[12]13} \$4,240 ^{[8]19}	\$295	\$708 [\$1,031 ¹⁰] \$1,041 ¹¹ [\$1,028 ¹¹] \$1,038 ¹² \$743 ⁸ \$442 ^{[12]13} \$353 ^{[8]19}
(3) Students enrolled in graduate programs (other than Masters of Business Administration, Architecture, Social Work or Physician's Assistant) leading to a Master's, Doctor's or equivalent degree	\$5,655	\$11,550 \$6,785 ^{[8]19} \$8,485 ^{[12]13}	\$471	\$963 \$565 ^{[8]19} \$707 ^{[12]13}
(4) Students enrolled in a graduate program leading to a Doctorate of Audiology	\$5,170	[\$11,670] \$11,775	\$476	[\$973] \$981
(5) Students enrolled in a graduate program leading to a Masters of Business Administration (MBA)	\$7,500	\$12,195 \$9,000 ^{[8]19}	\$625	\$1,016 \$750 ^{[8]19}
(6) Students enrolled in a graduate program leading to a Masters of Architecture	\$7,310	[\$12,620] \$13,000	\$609	[\$1,052] \$1,083
(7) Students enrolled in a graduate program leading to a Masters of Social Work	\$6,540	\$11,105 \$7,850 ^{[8]19}	\$545	\$925 \$654 ^{[8]19}
(8) Students enrolled in a graduate program leading to a Doctorate of Social Work	\$9,600	\$12,600	\$800	\$1,050
(9) Students enrolled in a graduate program leading to a Masters of Health Administration	\$6,985	\$11,550 \$8,380 ⁹	\$582	\$963 \$698 ⁹
(10) Students enrolled in the professional program of pharmacy	\$13,225	\$18,570	\$1,102	\$1,548
(11) Students enrolled in the professional program of law	\$12,705	[\$14,750] \$15,125	\$1,059	[\$1,229] \$1,260
(12) Students enrolled in the professional program of medicine	\$21,835	\$32,580	\$1,820	\$2,715
(13) Students enrolled in the professional program of dentistry	\$18,450	[\$31,475] \$31,790	\$1,538	[\$2,623] \$2,649
(14) Students enrolled in the professional program of physical therapy	\$12,195	\$15,350	\$1,016	\$1,279
(15) Students enrolled in the professional program of optometry	\$14,910	\$25,575	\$1,243	\$2,131
(16) Students enrolled in the professional program of physician assistant	\$8,110	\$14,990	\$676	\$1,249
(17) Students enrolled in the professional programs of doctor of nursing practice	\$12,560	\$16,080 \$15,370 ^{[8]19}	\$1,047	\$1,340 \$1,281 ^{[8]19}

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

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

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

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

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

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

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

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

^{[8]19} In accordance with chapter 437 of the Laws of 2015, the Board of Trustees is authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

^{[9]10} In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge this lower rate for special students (part-time) enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs, and taking classes at off-campus locations or during the summer or winter intercessions. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree.

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

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

^{[12]13} As authorized by the Board of Trustees (2010-081), Maritime College is authorized to charge up to this rate for non-resident students from states and commonwealths considered to be in-region (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New

Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, and Washington D.C.).

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. SUN-28-21-00017-EP, Issue of July 14, 2021. The emergency rule will expire November 18, 2021.

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

Regulatory Impact Statement

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

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

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

Undergraduate Programs

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

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

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

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

- Non-resident undergraduate tuition would increase for students enrolled in an associates degree or non-degree granting program at Alfred by \$280 (2.5%) to \$11,320; Morrisville by \$290 (2.5%) to \$11,840; and Canton by \$500 (4.5%) to \$11,500.

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

- Non-resident undergraduate tuition would not increase for students enrolled in an associates degree or non-degree granting program at the College of Technology at Delhi, remaining at \$10,840 or at Cobleskill, remaining at \$16,980.

- Non-resident undergraduate tuition for students taking exclusively distance learning courses leading to an associates, baccalaureate, or non-degree granting program, would remain at \$8,480. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- Maritime College tuition for non-resident students who are from a state or territory defined as "in-region" (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, or Washington D.C.) would remain at \$10,610. Tuition for non-resident students not from one of the states identified above would remain at the standard non-resident rate of \$16,980.

Graduate Programs

- For students enrolled in graduate programs not separately identified, the standard tuition would remain at \$11,310 for residents and \$23,100 for non-residents.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a standard graduate degree would remain at \$13,570. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- For students enrolled in programs leading to a Masters in Business Administration degree, tuition would remain at \$15,000 for resident students and \$24,390 for non-resident students.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a Masters in Business Administration degree would remain at \$18,000. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- For students enrolled in programs leading to a Masters in Architecture degree, tuition would remain at \$14,620 for resident students and increase by \$760 (3.0%) to \$26,000 for non-resident students.

- For students enrolled in programs leading to a Masters in Social Work degree, tuition would remain at \$13,080 for resident students and \$22,210 for non-resident students.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a Masters in Social Work degree would remain at \$15,700. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

- For students enrolled in programs leading to a Master of Health Administration degree, tuition would remain at \$13,970 for resident students and \$23,100 for non-resident students.

- Non-resident graduate tuition for students taking exclusively distance learning courses leading to a Masters of Health Administration degree would be \$16,760. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY. This is a new tuition rate being offered starting in fall 2021.

- For students enrolled in programs leading to a Doctor of Social Work degree, tuition would remain at \$19,200 for resident students and \$25,200 for non-resident students.

- Tuition for the Physicians Assistant graduate masters program at Stony Brook, Downstate, and Upstate would remain at \$16,220 for resident students and \$29,980 for non-resident students.

- Maritime College tuition for non-resident students who are from a state or territory defined as "in-region" (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, or Washington D.C.) would remain at \$16,970. Tuition for non-resident students not from one of the states identified would remain at the standard non-resident rate of \$23,100.

Professional Programs

- For students enrolled in the Medical Professional Program at the four health science centers, tuition would remain at \$43,670 for resident students and \$65,160 for non-resident students.

- Tuition for the Dental Professional Program at the universities at Stony Brook and Buffalo would remain flat at \$36,900 for resident students and would increase by \$630 (1.0%) to \$63,580 for non-resident students.

- Tuition for the Optometry Program at the College of Optometry would remain at \$29,820 for resident students and \$51,150 for non-resident students.

- Tuition at the Law School of the University at Buffalo would remain at \$25,410 for resident students and increase by \$750 (2.5%) to \$30,250 for non-resident students.

- Tuition for the School of Pharmacy Professional Program at Binghamton and the University at Buffalo would remain at \$26,450 for resident students and \$37,140 for non-resident students.

- For students enrolled in programs leading to a Doctor of Audiology degree, tuition would remain at \$10,340 for resident students and increase by \$210 (0.9%) to \$23,550 for non-resident students.

- Tuition for the Doctor of Physical Therapy Program would remain at \$24,390 for resident students and \$30,700 for non-resident students.

- Tuition for the Doctor of Nursing Practice Program would remain at \$25,120 for resident students and \$32,160 for non-resident students.

- Non-resident professional tuition for students taking exclusively distance learning courses leading to a Doctor of Nursing Practice Program degree would remain at \$30,740. In accordance with Chapter 37 of the Laws of 2015, the Board of Trustees was authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

The recommended modifications do not detrimentally impact the competitiveness of State-operated rates compared to peer institutions in other public university systems and reflect engagement with campus leadership, review by System Administration, and approach by the Chancellor of the State University of New York.

The tuition rates were last increased in the fall 2019.
 4. Costs: Students: Tuition rate modifications for students enrolled in these programs of SUNY will range from remaining flat to an increase of \$850 for non-resident students enrolled in Associate and Baccalaureate degrees at the doctoral degree granting institutions. In setting the new tuition schedule, SUNY has examined its appropriation levels, the prevailing tuition rates charged by other public universities, and the status of various State and Federal student financial aid programs.

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

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

7. Duplication: None.
 8. Alternatives: Other modification levels were considered, however, there is no acceptable alternative to the proposed changes when considering competitiveness, programmatic needs, and anticipated costs.

9. Federal Standards: None.
 10. Compliance Schedule: The amendment to the tuition schedule will go into effect for the fall 2021 semester.

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

Assessment of Public Comment

The agency received no public comment.

Office of Temporary and Disability Assistance

EMERGENCY RULE MAKING

COVID-19 Masking Requirements in Congregate Shelters

I.D. No. TDA-40-21-00003-E

Filing No. 1001

Filing Date: 2021-09-16

Effective Date: 2021-09-16

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

Action taken: Addition of section 304.3 to Title 18 NYCRR.

Statutory authority: Social Services Law, sections 17(a)-(b), (k), 20(2), (3)(d)-(e), 34(3)(c)-(f), (6) and 460-c

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

Temporary and Disability Assistance (OTDA) finds that it is necessary for the preservation of the public health, public safety and the general welfare that these amendments be adopted on an emergency basis, as authorized by the State Administrative Procedure Act (SAPA) § 202(6). The COVID-19 pandemic remains a significant challenge in New York. Since March 2020, more than two million New Yorkers have been infected by the COVID-19 coronavirus, and the disease has killed more than 55,000 New Yorkers. The Centers for Disease Control and Prevention (CDC) has identified a concerning national trend of increasing circulation of the Delta COVID-19 variant, which is approximately twice as transmissible as the early SARS-CoV-2 strain. Congregate shelters for persons experiencing homelessness are high-risk settings because persons placed in these facilities have frequent contact with other with shelter staff and other residents. This regulation is necessary to prevent the spread of the COVID-19 virus in congregate shelters for persons experiencing homelessness, and to help to ensure that persons placed in congregate shelters and shelter staff are less likely to contract COVID-19 and suffer severe illness or death.

It is of great importance that operators of congregate shelters require all members of the shelter staff, shelter residents, visitors, and any other persons entering the facility to wear appropriate face coverings, consistent with directives issued by the Office and guidance issued by the United States Centers for Disease Control and Prevention (CDC) and the New York State Department of Health.

It is noted that the regulatory amendments are being promulgated pursuant to a Notice of Emergency Adoption, instead of a Notice of Proposed Rule Making, due to time constraints.

Subject: COVID-19 masking requirements in congregate shelters.

Purpose: Protect the well-being of shelter staff and persons staying in shelters.

Text of emergency rule: Part 304 of Title 18 of the NYCRR is amended by adding a new § 304.3 to read as follows:

§ 304.3 2019 Novel Coronavirus (COVID-19) Masking Requirements in Congregate Shelters.

(a) This section shall apply to congregate shelters for persons experiencing homelessness that are reimbursed directly or indirectly from State or State-administered grants or funds. For purposes of this section, the following definitions shall apply:

(1) "Congregate shelters" means all shelters for adults, small-capacity shelters, shelters for adult families, and shelters for families, as those terms are defined in sections 491.2 and 900.2 of this Title, in which more than three unrelated persons share the same sleeping quarters.

(2) The "Office" means the State Office of Temporary and Disability Assistance.

(3) "Shelter staff" includes but is not limited to all shelter employees, volunteers, and contractors and subcontractors whose primary job responsibility is to work in the congregate shelter.

(b) Operators of congregate shelters subject to this section shall require all members of the shelter staff, shelter residents, visitors, and any other persons entering the facility to wear appropriate face coverings, consistent with directives issued by the Office and guidance issued by the United States Centers for Disease Control and Prevention (CDC) and the New York State Department of Health.

(c) Exemptions from face covering requirements. Face coverings are not required to be worn by:

(1) children under two years of age;
 (2) persons with disabilities who cannot wear masks, or cannot safely wear masks, for reasons related to their disabilities, and

(3) persons for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by an Occupational Safety and Health Administration workplace risk assessment.

(d) Enforcement. The Office may take any of the enforcement actions set forth in sections 491.23(b) and 900.23(b) of this Title to assure compliance with the requirements of this section.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires December 14, 2021.

Text of rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., Office of Temporary and Disability Assistance, 40 North Pearl Street, 16C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

Regulatory Impact Statement

1. Statutory authority:
 Social Services Law (SSL) § 17(a)-(b) and (k) provide, in part, that the Commissioner of the Office of Temporary and Disability Assistance ("OTDA") shall "determine the policies and principles upon which public assistance, services and care shall be provided within the [S]tate both by the [S]tate itself and by the local governmental units ...", shall "make known his policies and principles to local social services officials and to public and private institutions and welfare agencies subject to his regulatory and advisory powers ...", and shall "exercise such other powers and perform such other duties as may be imposed by law."

SSL § 20(2) provides, in part, that the OTDA shall “supervise all social services work, as the same may be administered by any local unit of government and the social services officials thereof within the state, advise them in the performance of their official duties and regulate the financial assistance granted by the state in connection with said work.” Pursuant to SSL § 20(3)(d) and (e), OTDA is authorized to promulgate rules, regulations, and policies to fulfill its powers and duties under the SSL and “to withhold or deny State reimbursement, in whole or in part, from or to any social services district [“SSD”] or any city or town thereof, in the event of [their] failure... to comply with law, rules or regulations of [OTDA] relating to public assistance and care or the administration thereof.”

SSL § 34(3)(c) requires OTDA’s Commissioner to “take cognizance of the interests of health and welfare of the inhabitants of the [S]tate who lack or are threatened with the deprivation of the necessities of life and of all matters pertaining thereto.” In addition, pursuant to SSL § 34(3)(d), OTDA’s Commissioner must exercise general supervision over the work of all SSDs, and SSL § 34(3)(e) provides that OTDA’s Commissioner must enforce the SSL and the State regulations within the State and in the local governmental units. Pursuant to SSL § 34(3)(f), OTDA’s Commissioner must establish regulations for the administration of public assistance and care within the State by the SSDs and by the State itself, in accordance with the law. Pursuant to SSL § 34(6), OTDA’s Commissioner “may exercise such additional powers and duties as may be required for the effective administration of the department and of the [S]tate system of public aid and assistance.”

SSL § 460-c confers authority upon OTDA to “inspect and maintain supervision over all public and private facilities or agencies whether [S]tate, county, municipal, incorporated or not incorporated which are in receipt of public funds,” which includes emergency shelters.

2. Legislative objectives:

It is the intent of the Legislature in enacting the above statutes that OTDA establish rules, regulations, and policies to provide for the health, safety and general welfare of vulnerable families and individuals who are placed in emergency shelters for persons or families experiencing homelessness.

3. Needs and benefits:

The COVID-19 pandemic remains a significant challenge in New York. Since March 2020, more than two million New Yorkers have been infected by the COVID-19 coronavirus, and the disease has killed more than 55,000 New Yorkers. The Centers for Disease Control and Prevention (CDC) has identified a concerning national trend of increasing circulation of the Delta COVID-19 variant, which is approximately twice as transmissible as the early SARS-CoV-2 strain. Congregate shelters for persons experiencing homelessness are high-risk settings because persons placed in these facilities have frequent contact with shelter staff and other residents. This regulation is necessary to prevent the spread of the COVID-19 virus in congregate shelters for persons experiencing homelessness, and to help to ensure that persons placed in congregate shelters and shelter staff are less likely to contract COVID-19 and suffer severe illness or death.

4. Costs:

To the extent that the regulatory amendments would require residents of congregate shelters and shelter staff, visitors and other persons entering the facility to wear face coverings, the amendments would not result in significant costs to the State, to local governments, or to the operators of regulated congregate shelters.

5. Local government mandates:

Only local governments that operate congregate shelters for persons experiencing homelessness would be impacted by the regulatory amendments, and there are only a small number of shelters operated by a local government, all of which are located within New York City.

6. Paperwork:

There are no paperwork requirements.

7. Duplication:

The regulatory amendments do not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives:

The alternative is to remain silent, which may result in additional exposure of shelter residents and staff to the COVID-19 virus, which could result in severe illness or death.

9. Federal standards:

This regulation does not conflict with federal standards.

10. Compliance schedule:

This rulemaking will be effective immediately upon the filing of the Notice of Emergency Adoption with the Department of State.

Regulatory Flexibility Analysis

1. Effect of rule:

The regulation will not impact local governments or small businesses unless they operate congregate shelters. For purposes of this RFASBLG, “small business” means “any business which is resident in this state, independently owned and operated, and employs one hundred or less

individuals.” (State Administrative Procedure Act § 102[8]). There are approximately 100 publicly-funded congregate shelters operating within the State. Five of those congregate shelters are in New York City (NYC) and are operated by the NYC Department of Homeless Services, and one congregate shelter outside of NYC is operated by a local government. Of the remaining congregate shelters operating within the State, and especially those located outside of NYC, many are independently owned and operated by entities that employ 100 or less individuals. If a local government or a small business does operate a congregate shelter, it will need to require that all members of the shelter staff, shelter residents, visitors and any other persons entering the facility wear appropriate face coverings. The face coverings need to be worn in a manner consistent with directives issued by the Office of Temporary and Disability Assistance and with guidance issued by the United States Center for Disease Control and Prevention (CDC) and the New York State Department of Health.

2. Compliance requirements:

Operators of congregate shelters will need to periodically check their shelter staff, shelter residents, visitors and any other persons entering the facility to confirm that face coverings are being worn correctly.

3. Professional services:

Professional services are not required by this regulation.

4. Compliance costs:

There are no anticipated costs to local governments or small businesses as a result of this regulation.

5. Economic and technological feasibility:

It is not anticipated that there would be economic or technical impediments to the regulation.

6. Minimizing adverse impact:

Any adverse impacts are expected to be minimal and are outweighed by the regulation’s health and safety benefits to residents and shelter staff.

7. Small business and local government participation:

Due to the urgent need to have operators of congregate shelters require all members of the shelter staff, shelter residents, visitors and any other persons entering the facility to wear appropriate face coverings, local governments and small businesses were not directly consulted prior to the filing of the Notice of Emergency Adoption.

8. Cure period:

This regulation does not include a cure period given the serious threat the COVID-19 virus presents and the urgent need to have face coverings worn in congregate shelters.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

For purposes of this RAFA, “rural area” means areas of the State defined by Executive Law § 481(7) (see State Administrative Procedure Act § 102[10]). Per Executive Law § 481(7), rural areas are defined as “counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, 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.” Based upon United States Census estimated county populations for 2010, there are: (a) 43 counties that have populations of less than 200,000; and (b) 11 counties with populations of over 200,000 that have towns with population densities of 150 persons or fewer per square mile. There are 10 congregate shelters operating in 8 of these counties: Cayuga County (1), Chautauqua County (1), Delaware County (1), Rensselaer County (1), Schenectady County (2), Suffolk County (2), Tompkins County (1), and Warren County (1).

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

Operators of congregate shelters in rural areas will require all members of the shelter staff, shelter residents, visitors and any other persons entering the facility to wear appropriate face coverings. There are no reporting or recordkeeping requirements, and professional services will not be required.

3. Costs:

There are no anticipated costs as a result of this regulation.

4. Minimizing adverse impact:

Any adverse impacts are expected to be minimal and are outweighed by the regulation’s health and safety benefits to residents and shelter staff.

5. Rural area participation:

Due to the urgent need to curtail the spread of COVID-19 and to safeguard the health and safety of shelter residents and shelter staff, local governments and small businesses in rural areas were not directly consulted before the filing of the Notice of Emergency Adoption.

Job Impact Statement

A JIS is not required for the regulatory amendments. It is apparent from the nature and purpose of the regulatory amendments that they would not

have a substantial adverse impact on jobs and employment opportunities in the public and private sectors of the State. The regulatory amendments will not substantively affect the jobs of employees at the state or social service district (district) level. Adoption of the regulatory amendments will not impose any new annual costs or administrative burdens upon the districts.

Workers' Compensation Board

NOTICE OF ADOPTION

PFL Intermittent Leave

I.D. No. WCB-21-21-00011-A

Filing No. 1011

Filing Date: 2021-09-20

Effective Date: 2022-01-01

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

Action taken: Amendment of section 380-2.5 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 117, 141 and 221

Subject: PFL intermittent leave.

Purpose: To clarify the number of intermittent leave days eligible employees can take.

Text or summary was published in the May 26, 2021 issue of the Register, I.D. No. WCB-21-21-00011-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

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

The comment generally supported the proposal, agreeing with the goal of providing employees with the appropriate number of days of intermittent leave based on the number of days the employee works per week.

The comment requested that the regulation not take effect until January 1, 2022 to provide insurance carriers with time to update their administrative processes and computer systems and for outreach and education purposes. The Board acknowledges this as a reasonable timeline and is setting the effective date for this regulation to January 1, 2022.

The comment also requested that a clarifying change be made to state that the increased eligibility applies only to new claims after the effective date of the regulation instead of in-flight claims, to be consistent with section 380-6.1 of the regulations. The Board agrees that this regulation will only apply to new claims after the effective date of the regulation, which will be 1/1/22, so no change has been made in response to this comment.

Changes made:

- Effective date of regulation set to 1/1/22

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: 161 831 0722—October 13, 2021, 11:00 a.m.
Environmental Conservation, Department of		
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	Via electronic webinar—November 9, 2021, 2:00 p.m. Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 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 Fl., Albany, NY 12233-1550 or emailed to ALJ Stefanucci at ohms@dec.ny.gov
Labor, Department of		
LAB-34-21-00002-EP	New York Health and Essential Rights Act (NY HERO Act)	Location to be announced on Department of Labor website—November 17, 2021, 10:00 a.m.
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.
Long Island Power Authority		
LPA-38-21-00008-P	Authority’s Annual Budget, as Reflected in the Rates and Charges in the Tariff for Electric Service	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
LPA-38-21-00009-P	Community Distributed Generation and Remote Crediting Tariffs	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
LPA-38-21-00010-P	Customer Benefit Contribution (CBC) Charge for New Mass Market Net Metering Customers	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
LPA-38-21-00011-P	Conform Long Island Choice Program Rules and Requirements with Final DPS Recommendations from Collaborative Proceeding	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
LPA-38-21-00012-P	Miscellaneous Clean-Up of Tariff for Electric Service	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
LPA-38-21-00013-P	Daily Service Charges During Prolonged Outages	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
LPA-39-21-00014-P	Access to Records and Fees Collected Under	

	the Freedom of Information Law	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
Public Service Commission		
PSC-35-21-00004-P	Major Gas Rate Filing	Teleconference—Oct. 27, 2021, 1:00 p.m. and 6:00 p.m. (Public Statement Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 21-G-0394.
PSC-40-21-00019-P	Disposition of a New York State Tax Refund	Teleconference—Nov. 23, 2021, 10:00 a.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-W-0356.

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
-----------------	---------	----------------	-------------------

AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-23-21-00001-P	..... 07/07/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards
AAM-31-21-00014-P	..... 09/15/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

*ASA-28-20-00013-RP	..... 10/22/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
*ASA-28-20-00016-RP	..... 10/22/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation
ASA-27-21-00009-P	..... 07/07/22	General provisions applicable to all OASAS programs	To identify those provisions that are required of all OASAS certified, funded or otherwise authorized programs

CHILDREN AND FAMILY SERVICES, OFFICE OF

*CFS-04-20-00009-RP	..... 12/13/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-49-20-00006-EP	..... 12/09/21	Maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days.	Remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs.
CFS-27-21-00001-EP	..... 07/07/22	To clarify the authorization and payment requirements of Part 415; to revise the sliding fee scale for families	To clarify the authorization and payment requirements of Part 415; to revise the sliding fee scale for families

Action Pending Index

NYS Register/October 6, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-27-21-00003-P	07/07/22	For licensed and registered child care programs to comply with the anaphylaxis policy issued by NYS Department of Health	For licensed and registered child care programs to comply with the anaphylaxis policy issued by NYS Department of Health
CFS-31-21-00013-P	08/04/22	Implements statutory requirements pursuant to the Federal Child Care & Development Block Grant Act of 2014 & the NYS 2022 Budget	Implements statutory requirements pursuant to the Federal Child Care & Development Block Grant Act of 2014 & the NYS 2022 Budget
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-13-20-00016-P	09/22/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-21-00006-P	06/09/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-21-00007-P	06/09/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-21-00008-P	06/09/22	Jurisdictional Classification	To delete positions from the exempt class
CVS-23-21-00009-P	06/09/22	Jurisdictional Classification	To classify a subheading and positions in the exempt class
CVS-27-21-00004-P	07/07/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-27-21-00005-P	07/07/22	Jurisdictional Classification	To classify a position in the exempt class
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
CVS-40-21-00008-P	10/06/22	Jurisdictional Classification	To classify a position in the exempt class.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-40-21-00009-P	10/06/22	Jurisdictional Classification	To delete positions from and classify positions in the exempt class.
CVS-40-21-00010-P	10/06/22	Jurisdictional Classification	To delete positions from and classify a position in the exempt class and to classify a position in the non-competitive class
CVS-40-21-00011-P	10/06/22	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-21-00012-P	10/06/22	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-40-21-00013-P	10/06/22	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-21-00014-P	10/06/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-21-00015-P	10/06/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-40-21-00016-P	10/06/22	Jurisdictional Classification	To delete a position from and classify a position 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
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

Action Pending Index

NYS Register/October 6, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
*EDU-20-20-00008-ERP	02/14/22	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-RP	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-21-21-00009-RP	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-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-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
EDU-39-21-00001-EP	09/29/22	Technical amendments relating to the School Safety and Educational Climate (SSEC) reporting system.	To make technical corrections relating to the SSEC reporting system.
EDU-39-21-00008-EP	09/29/22	Flexibility for accountability requirements in response to the COVID-19 crisis.	To provide flexibility for accountability requirements in response to the COVID-19 crisis.
EDU-39-21-00009-P	09/29/22	General Unprofessional Conduct Provisions for the Design Professions and Continuing Education Requirements for the Profession.	To conform regulations with the requirements of Chapter 160 of the Laws of 2020 and to make technical corrections.
EDU-39-21-00010-P	09/29/22	Licensure Examination, Licensure by Endorsement and Continuing Education Requirements in the Profession of Pharmacy	To provide flexibility in determining acceptable licensure examinations and to add compounding continuing education requirements
EDU-39-21-00011-P	09/29/22	Removing References to Regional Accreditation.	To remove references to "regional accreditation" in the Rules of the Board of Regents and Commissioner's regulations.
EDU-39-21-00012-P	09/29/22	Prohibits schools from filing a law suit against parents or guardians for unpaid meal fees.	To implement and conform Commissioner's Regulations according to Chapter 315 of the Laws of 2021.

ELECTIONS, STATE BOARD OF

SBE-33-21-00010-P	08/18/22	Public Campaign Finance Program	Implementation of the Public Campaign Finance Program
-------------------	----------	---------------------------------	---

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ELECTIONS, STATE BOARD OF			
SBE-39-21-00002-P	09/29/22	County Voter Registration Systems Requirements	Requirements County Voter Registration Systems Must Meet in Order to Connect to the Statewide Voter Registration System
SBE-39-21-00003-P	09/29/22	Required Debates for Statewide Candidates Participating in the Public Campaign Finance Program	Outlines Debate Requirements for Statewide Candidates Participating in the Public Campaign Finance Program
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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.
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
ENV-37-21-00004-P	09/15/22	Deer Hunting	This rulemaking will allow counties to annually, by county law, "opt-out" of the late bow and/or muzzleloader deer seasons

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	..... exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	..... exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-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
DFS-38-21-00003-P	..... 09/22/22	Risk-Based Capital; Financial Statement Filings and Accounting Practices and Procedures	To set forth rules regarding the treatment of exchange-traded funds; adopt the 2021 Accounting Practices and Procedures Manual.
DFS-38-21-00004-P	..... 09/22/22	Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To clarify application of Insurance Law Sections 3217-h and 4306-g.
DFS-40-21-00001-P	..... 10/06/22	Principle-Based Reserving	To update citation to the Valuation Manual to 2021 (instead of 2020) in Footnote 1 to Section 103.3(b)
GAMING COMMISSION, NEW YORK STATE			
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
SGC-37-21-00017-P	..... 09/15/22	Discretion to require a Thoroughbred jockey to serve a suspension for a riding violation at track where the violation occurred	To enhance the integrity and safety of thoroughbred horse racing
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	..... exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-36-19-00006-P	..... 09/22/21	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
*HLT-46-19-00003-P	..... 09/22/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
*HLT-47-19-00008-P	..... 09/22/21	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
*HLT-51-19-00001-P	..... 09/22/21	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
*HLT-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

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

Action Pending Index

NYS Register/October 6, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LABOR, DEPARTMENT OF			
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
LAB-39-21-00015-P	09/29/22	Minimum Wage	To comply with Labor Law 652(6) that increased the minimum wage, and implement wage determined by Labor Law 652(1)(c)
LAB-39-21-00016-P	11/10/22	Minimum Wage for Farmworkers	To comply with Sections 652 and 673 of the Labor Law, by adopting minimum wage increases for farmworkers
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.
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
*LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LPA-38-21-00008-P	..... exempt	The Authority's annual budget, as reflected in the rates and charges in the Tariff for Electric Service.	To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments.
LPA-38-21-00009-P	..... exempt	Community distributed generation and remote crediting tariffs.	To conform LIPA's community distributed generation and remote crediting tariffs with recent PSC orders.
LPA-38-21-00010-P	..... exempt	A Customer Benefit Contribution (CBC) Charge for new mass market net metering customers.	To ensure adequate contribution to LIPA's customer benefits programs.
LPA-38-21-00011-P	..... exempt	Conform Long Island Choice program rules and requirements with final DPS recommendations from collaborative proceeding.	To conform with Statewide retail choice policy and eliminate program inefficiencies.
LPA-38-21-00012-P	..... exempt	Miscellaneous clean-up of Tariff for Electric Service.	To clarify potential ambiguity and make other minor Tariff updates.
LPA-38-21-00013-P	..... exempt	Daily service charges during prolonged outages.	To conform with statewide policy.
LPA-39-21-00014-P	..... 11/29/22	Access to records and fees collected under the Freedom of Information Law.	To make necessary technical updates and to conform with FOIL regarding collection of fees.

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.
OMH-40-21-00007-EP	..... 10/06/22	COVID-19 Masking Program	To implement a COVID-19 mask program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
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
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-37-21-00001-P	09/15/22	Certified Residential Opportunities	To provide equity in opportunities for certified residential opportunities
PDD-40-21-00002-EP	10/06/22	Mandatory Face Coverings in OPWDD Certified Services	To protect public health

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-27-21-00017-P	..... exempt	Rates for the Sale of Power and Energy	To maintain the system's integrity. This increase in rates is not the result of an Authority rate increase to the Village
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on 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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-40-20-00004-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-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-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-52-20-00004-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-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-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-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.
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-13-21-00023-P	..... exempt	Petition for the use of steam metering equipment.	To ensure that consumer bills are based on accurate measurements of steam usage.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-14-21-00003-P	..... 04/07/22	More specific requirements for Operator Qualification to work on pipelines. Allows applications for "special permits."	To make the provision of natural gas service safer in New York State with better qualified pipeline workers.
PSC-15-21-00006-P	..... exempt	Proposed sale of the Company's stock to the Buyers.	To determine if sale of the Company's stock to the Buyers is in the public interest.
PSC-15-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime.
PSC-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-17-21-00005-P	..... exempt	Submetering equipment.	To consider use of submetering equipment and if it is in the public interest.
PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation.	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation.
PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities.	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities.
PSC-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-20-21-00004-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-21-21-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00016-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00017-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-21-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-22-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 7.6 mile, 13 kV AC electric cable.
PSC-22-21-00008-P	..... exempt	Cost allocation for project(s) to meet a Public Policy Transmission Need/Public Policy Requirement.	To address the cost allocation methodology for use by the New York Independent System Operator, Inc. (NYISO).
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-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-25-21-00008-P	..... exempt	NYSERDA and National Grid's proposed Expanded Solar For All Program for low-income customers.	To consider the authorization and appropriate design of an opt-out community solar program for low-income customers.
PSC-25-21-00009-P	..... exempt	Hydroelectric facility located in Carthage, New York.	To promote and maintain renewable electric energy resources.
PSC-25-21-00010-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-21-00013-P	..... exempt	Negative revenue adjustments for gas main replacements targets in 2020.	To promote and ensure safety and reliability enhancements for utility infrastructure replacement.
PSC-26-21-00004-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-26-21-00005-P	..... exempt	Proposed revisions to tariff schedule.	To consider tariff revisions to cancel leaves associated with the Energy Smart Community Rate Pilot.
PSC-26-21-00007-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-26-21-00010-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-27-21-00011-P	..... exempt	The prohibition on ESCO service to low-income customers.	To consider whether NOCO Electric, LLC and NOCO Natural Gas, LLC should be granted a waiver to serve low-income customers.
PSC-27-21-00012-P	..... exempt	Waiver request to reset NUG Rider rate on one day's notice.	To determine whether NUG Rider rates should be reset on one day's notice.
PSC-27-21-00013-P	..... exempt	Support for a hydroelectric facility located in Black Brook, New York.	To consider financial support to promote and maintain an existing renewable electric energy resource.
PSC-27-21-00014-P	..... exempt	PSC Regulation 16 NYCRR 86.3(a)(1), (a)(2), (b)(2), 86.4(b), 88.4(a)(4) and 85-2.3(c).	To consider the applicants requests relating to the content of their application for transmission line siting.
PSC-27-21-00015-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Lockport.
PSC-28-21-00011-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Ithaca.
PSC-28-21-00012-P	..... exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY.	To address the proposed transfer and any matters within the public interest.
PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics.	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits.
PSC-28-21-00014-P	..... exempt	Proposed agreement for the provision of water service.	To consider whether a proposed service agreement and requested waivers of Commission rules are in the public interest.
PSC-28-21-00015-P	..... exempt	Proposals for active and passive managed charging programs for mass market EV customers.	To shift EV charging to moderate grid impacts and customer costs.
PSC-28-21-00016-P	..... exempt	Transfer of Suez Water New York Inc.'s parent company to Veolia Environment S.A.	To determine if the proposed transfer is the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-29-21-00003-P	..... exempt	Proposed revisions to the Companies firm demand response programs for the 2021 - 2022 winter season.	To determine whether to authorize the Companies' proposed firm gas demand response programs and associated tariff leaves.
PSC-29-21-00004-P	..... exempt	Exemptions from utility standby rates for efficient combined heat and power projects.	To determine whether utility standby rate exemptions should be continued.
PSC-29-21-00005-P	..... exempt	Use of pipeline refund.	To consider how a pipeline refund of \$2.26 million will be utilized by National Fuel.
PSC-29-21-00006-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Horseheads.
PSC-29-21-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-29-21-00008-P	..... exempt	Proposed agreement for provision of service by Saratoga Water Services, Inc.	To consider whether a proposed service agreement and requested waivers of Commission rules are in the public interest.
PSC-29-21-00009-P	..... exempt	Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies.	To study the efficacy of using AMI to disconnect electric service during gas system emergencies.
PSC-30-21-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-30-21-00006-P	..... exempt	NYSERDA proposal regarding Clean Energy Standard backstop collection processes.	To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard.
PSC-30-21-00007-P	..... exempt	Submetering of electricity and waiver requests.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-30-21-00008-P	..... exempt	Adjustments to the the Daily Delivery Service Program.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-31-21-00011-P	..... exempt	Establishment of the regulatory regime applicable to a solar electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers.	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers.
PSC-32-21-00003-P	..... exempt	Exemptions from utility standby rates for certain designated or environmentally advantageous technologies.	To harmonize standby rate exemptions statewide.
PSC-33-21-00006-P	..... exempt	Proposed rate increase.	To ensure safe and adequate service at just and reasonable rates.
PSC-33-21-00007-P	..... exempt	Acquisition of cable television facilities and franchises of two municipalities.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest.
PSC-33-21-00008-P	..... exempt	Establishment of a Tapping and Connection Fee.	To consider whether the proposed fees are in the public interest.
PSC-33-21-00009-P	..... exempt	Banking of credits and switching between Community Distributed Generation and Remote Crediting projects.	To ensure just and reasonable rates charged to customers.
PSC-34-21-00004-P	..... exempt	CDG subscriber eligibility requirements.	To consider modifications to the CDG program eligibility requirements for certain Standby Service customers.
PSC-34-21-00005-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-21-00006-P	..... exempt	Staff recommendations to address the financial impacts of the COVID-19 pandemic.	To consider measures to provide relief to those financially impacted by the COVID-19 pandemic.
PSC-34-21-00007-P	..... exempt	Authorization to extend the maturity date of certain short-term indebtedness and total debt.	To consider the request for authorization to enter into indebtedness.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-35-21-00004-P	..... exempt	Major gas rate filing.	To consider a proposed increase in Conring's gas delivery revenues of approximately \$5.8 million (20.4% in total revenues).
PSC-35-21-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-35-21-00006-P	..... exempt	Proposed rate increase.	To ensure safe and adequate service at just and reasonable rates.
PSC-35-21-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-21-00008-P	..... exempt	Tariff filing to allow eligible CHP Customers to provide export support to their other service connections.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators in New York State.
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.
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.
PSC-37-21-00007-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-37-21-00008-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-37-21-00009-P	..... exempt	Procedures necessary to implement Tax Law Section 187-q.	To establish procedures by which eligible utility-taxpayers can have the amounts of certain waived customer arrears certified.
PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems.	To consider modifications to the Clean Energy Standard.
PSC-37-21-00011-P	..... exempt	Green Button Connect implementation.	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers.
PSC-37-21-00013-P	..... exempt	Tariff revisions to SUEZ Water New York Inc.'s tariff P.S.C. No. 2 - Water.	To consider whether proposed tariff revisions are in the public interest.
PSC-37-21-00014-P	..... exempt	Consideration of Time Warner Cable Information Services (New York)'s Revised Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addressed and implemented.
PSC-37-21-00015-P	..... exempt	Rehearing and/or reconsideration of the Commission's determination related to ITIA's non-pipe alternative project.	To determine whether the Commission made an error of fact related to ITIA's non-pipe alternative project.
PSC-37-21-00016-P	..... exempt	Customer Consent to Contact.	To include a new provision establishing customer consent for the utilities to contact them electronically about utility service.
PSC-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-38-21-00007-P	..... exempt	Electric metering equipment.	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-39-21-00005-P	..... exempt	Establishment of the regulatory regime applicable to a electric transmission facility.	To ensure appropriate regulation of a new electric corporation.
PSC-39-21-00006-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification.	To facilitate secure customer data exchanges between the utility or provider and energy service entities.
PSC-40-21-00017-P	..... exempt	The Commission's Order Adopting Utility Energy Registry Modifications	To determine if the Commission committed errors of law or fact in its Order, or if new facts warrant a different result.
PSC-40-21-00018-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-40-21-00019-P	..... exempt	Disposition of a New York State tax refund.	To determine the disposition of a tax refund obtained by New York American Water Company, Inc.
PSC-40-21-00020-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-40-21-00021-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
--------------------	----------------	---	---

Action Pending Index

NYS Register/October 6, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE, DEPARTMENT OF			
DOS-19-21-00014-P	07/15/22	Minimum standards for administration and enforcement of the Uniform Code and Energy Code	To revise the minimum standards applicable to a program for administration and enforcement of the Uniform Code and Energy Code
DOS-39-21-00013-P	09/29/22	Procedures to help avoid abandonment of cemeteries and determine when a cemetery has become abandoned.	To provide procedures to help avoid abandonment of cemeteries and determine when a cemetery has become abandoned.
STATE UNIVERSITY OF NEW YORK			
*SUN-53-19-00005-P	09/22/21	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
*SUN-29-20-00004-EP	09/22/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"
*SUN-29-20-00005-EP	09/22/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020
SUN-17-21-00014-EP	04/28/22	Holiday Leave	To designate Juneteenth as a holiday for SUNY employees
SUN-17-21-00015-EP	04/28/22	Appointment of Employees; Eligibility	To allow for the addition of one year to the service limits for faculty hired between May 20, 2020 - June 30, 2021
SUN-20-21-00005-EP	05/19/22	State basic financial assistance for the operating expenses of community colleges under the programs of SUNY and CUNY	To modify limitations formula for basic State financial assistance and establish a funding floor
SUN-24-21-00002-EP	06/16/22	Gender Neutral Bathrooms	To conform with legislation requiring SUNY state-operated campuses to designate all single occupancy bathrooms as gender neutral
SUN-28-21-00010-EP	07/14/22	College Fees	To increase the college fee charged at the four University Centers of SUNY
SUN-28-21-00017-EP	07/14/22	State University of New York Tuition and Fee Schedule	To amend the Tuition and Fees Schedule of the State University of New York effective for the Fall 2021 semester
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
*SIR-39-20-00008-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations and trains operated by SIRTOA.	To safeguard the public health and safety by amending rules to require the use of masks when using terminals and stations.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-34-21-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period October 1, 2021 through December 31, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
TDA-39-21-00004-EP	09/29/22	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-approved SUAs as of 10/1/21
URBAN DEVELOPMENT CORPORATION			
UDC-38-21-00001-EP	09/22/22	Biodefense Commercialization Fund program	To create the administrative processes for the Biodefense Commercialization Fund program
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-26-21-00001-P	06/30/22	Payment of medical bills and disputes	To require all objections to medical bills be made simultaneously and make process more efficient
WCB-28-21-00008-P	07/14/22	DME Fee Schedule	To correct codes ad update DME fee schedule
WCB-28-21-00009-P	07/14/22	Telehealth	Provides the option for telehealth visits in some circumstances
WCB-37-21-00018-P	09/15/22	NY Workers' Compensation Drug Formulary	Update the Formulary (technical and clarifying changes)

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

511 Byers SPE LLC
16150 SW Upper Boones Ferry Road, Portland, OR
State or country in which incorporated — Delaware

Atos SE
River Ouest, 80 quai Voltaire, 95877 Bezons Cedex, France
State or country in which incorporated — France

Bayer AG
Kaiser-Wilhelm-Allee 1, 51373 Leverkusen, Germany
State or country in which incorporated — Germany

Capgemini SE
11 rue de Tilsitt - 75017 Paris, France
State or country in which incorporated — France

East Bay Permanent Real Estate Cooperative, Inc.
1428 Franklin St., Oakland, CA 94612
State or country in which incorporated — California

Estates at Cypress, LLC
1001 South Dairy, Ashford, Houston, TX 77077
State or country in which incorporated — Texas

Invesco Distributors, Inc.
11 Greenway Plaza, Suite 1000, Houston, TX 77046-1173
State or country in which incorporated — Massachusetts

Mars Stanley 2901, LLC
7341 Beranger Dr., Irving, TX 75063
State or country in which incorporated — Texas

Midtown GP MF1 LP
910 Harvest Dr., Suite 105, Blue Bell, PA 19422
Partnership — KCP Sheu LP

Non-fungible Technologies, Inc.
1089 Tanland Dr., Apt. 114, Palo Alto, CA 84303
State or country in which incorporated — Delaware

North Shore SPE LLC
16150 SW Upper Boones Ferry Rd., Portland, OR 97224
State or country in which incorporated — Delaware

Osprey Algorand Trust
520 White Plains Ave., Tarrytown, NY 10591
State or country in which incorporated — Delaware

PIC Storage Fund I, LLC
30 Dutchman Blvd., Irmo, SC 29063
State or country in which incorporated — Wyoming

Royal Spring Fund, LLC
2220 Coit Rd., Suite 480-214, Plano, TX 75075
State or country in which incorporated — Texas

Vista Creeks Run, LLC
910 Harvest Dr., Suite 105, Blue Bell, PA 19422
Partnership — MC RE Manager, LLC

West Shady Grove Holdings, LLC
19 Elizabeth Ridge Rd., Carlisle, MA 01741
State or country in which incorporated — Texas

William Blair & Company, L.L.C.
222 W. Adams St., Chicago, IL 60606
State or country in which incorporated — Maryland

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REHABILITATE CELL BLOCKS C/D

Great Meadow Correctional Facility
Comstock, Washington County

Sealed bids for Project Nos. 45858-C, 45858-H, 45858-P and 45858-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Rehabilitate Cell Blocks C & D, Building 2, Great Meadow Correctional Facility, 11739 State Route 22, Comstock (Washington 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, October 20th, 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 \$192,700 for C, \$130,400 for H, \$248,200 for P, and \$100,600 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$7,000,000 and \$8,000,000 for C, between \$5,000,000 and \$6,000,000 for H, between \$9,000,000 and \$10,000,000 for P, and between \$4,000,000 and \$5,000,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. 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 1,371 days after the Agreement is approved by the Comptroller.

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

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

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the C trade contractor, 3% for the E trade contractor, 3% for the H trade contractor, and 3% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

**REHABILITATE
ARMORY/STORAGE BUILDING**
Bronx Armory
Bronx, Bronx County

Sealed bids for Project Nos. 46220-C, 46220-H, 46220-P and 46220-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Rehabilitate Armory & Storage Building, Bronx Armory, 10 W. 195th Street, Bronx (Bronx County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242 on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, October 20, 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 \$148,800 for C, \$35,800 for H, \$22,600 for P, and \$62,600 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$5,000,000 and \$6,000,000 for C, between \$500,000 and \$1,000,000 for H, between \$500,000 and \$1,000,000 for P, and between \$1,000,000 and \$2,000,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. 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.

X 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 409 days after the Agreement is approved by the Comptroller.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 8:00 a.m., 10:00 a.m., and 1:00 p.m. on October 8, 2021, at 10 W 195th Street, Bronx, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Jill Knight (718-804-0730) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work, Plumbing Work and Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 3% for the E trade contractor, 3% for the H trade contractor, and 3% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an

e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Environmental Facilities Corporation
625 Broadway
Albany, NY 12207-2997

MUNICIPALITIES OF NEW YORK STATE

New York State Water Infrastructure Improvement Act Grants and New York State Intermunicipal Water Infrastructure Grants Program

The New York State Environmental Facilities Corporation (EFC) is pleased to announce the availability of \$400 million in grant funding through the New York State Water Infrastructure Improvement Act and New York State Intermunicipal Water Infrastructure Grants Program.

This funding is for municipalities with infrastructure projects that protect or improve public health and/or water quality. Grant eligible critical water infrastructure projects include those that combat emerging contaminants such as PFOA, PFOS and 1,4 dioxane with system upgrades and innovative pilot technologies, along with those that address combined and/or sanitary sewer overflow impacts from sustained rain events.

New York State Water Infrastructure Improvement Act (WIIA)

Pursuant to WIIA, EFC provides grants to assist municipalities in funding infrastructure projects for the protection of public health and water quality. WIIA grants will be awarded to water quality infrastructure projects for the replacement or repair of infrastructure or for compliance with environmental and public health laws and regulations related to water quality. EFC will evaluate projects based on factors including protection of public health and water quality; median household income; governmental and community support; consideration for Environmental Justice Areas; and readiness of the project to proceed expeditiously.

A clean water project may be eligible for a WIIA grant in the amount of the lesser of 25% of the total eligible project cost after deducting other grant funds awarded for the project or \$25 million.

If a project is awarded more than \$5 million as described above, the grant will be allocated over multiple years in increments not to exceed \$5 million.

A drinking water project may be eligible for a WIIA grant of up to the lesser of 60% of the total eligible project cost after deducting other grant funds awarded for the project or \$3 million. A drinking water project that is addressing an emerging contaminant above the State determined Maximum Contaminant Level (MCL) may be eligible for a WIIA grant up to 60% of the total eligible project cost after deducting other grant funds awarded for the project.

New York State Intermunicipal Water Infrastructure Grants Program (IMG)

Pursuant to the IMG, EFC will provide grants for infrastructure projects to be undertaken by two or more cooperating municipalities. IMG funding will be awarded for construction, replacement or repair of a drinking water or sewage treatment infrastructure project that serves multiple municipalities, such as shared water quality infrastructure that protects public health, the environment, or results in compliance with environmental and public health laws and regulations related to water quality.

EFC will evaluate projects based on factors including protection of public health and water quality; governmental and community sup-

port; consideration for Environmental Justice Areas; and the readiness of the project to proceed expeditiously. To be eligible to apply for a grant, cooperating municipalities must have a valid and binding Intermunicipal Agreement related to the financing of the project.

A clean or drinking water project may be eligible for IMG funding of up to the lesser of 40% of the total eligible project cost after deducting other grant funds awarded for the project or \$30 million.

Background

EFC administers the Clean Water State Revolving Fund (CWSRF) and co-administers the Drinking Water State Revolving Fund (DWSRF) with the NYS Department of Health. The SRF Programs provide subsidized financial assistance to qualified municipalities to undertake eligible water infrastructure projects. You do not need to obtain financial assistance from the CWSRF or DWSRF program to receive a WIIA grant or IMG grant and do not need to be listed on the CWSRF or DWSRF Intended Use Plan to apply for a WIIA grant or IMG grant.

A WIIA grant or IMG grant is available only to a municipality, which is defined to include a county, city, town, village, district corporation, county or town improvement district, school district, Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of the State that is empowered to construct and operate a water quality infrastructure project.

Application Due Date: Applications must be submitted using the Application Submission Form located on EFC's website at www.efc.ny.gov/WIIA or www.efc.ny.gov/IMG by 5:00 p.m., Monday, November 22, 2021. Applications are also available at www.efc.ny.gov/WIIA and www.efc.ny.gov/IMG. It is expected that submission of additional documents with the application will be required.

WEBINAR: EFC will host webinars to present the WIIA and IMG programs on October 7, 2021 at 11:00 am and November 2, 2021 at 2:00 pm. These events will provide an overview of WIIA and IMG, as well as guidance on how to apply for grant funds. There will also be an opportunity to ask questions. You may register for either webinar on EFC's website at: www.efc.ny.gov/WIIA and www.efc.ny.gov/IMG

CONTACTS: If you have questions on either program, please email: NYSWaterGrants@efc.ny.gov or contact: Dwight Brown, Division of Engineering & Program Management, Environmental Facilities Corporation, 625 Broadway, Albany, NY 12207-2997, (518) 402-6924, FAX: (518) 402-6954

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE Office of General Services

Pursuant to Section 30-a of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that the Office of People with Development Disabilities has declared 22 Collins Avenue, Village of Spring Valley, Town of Ramapo, County of Rockland, New York State, improved with a Cape Cod style residence, Tax Identifier Section 57.38, Block 1, Lot 75, surplus, no longer useful or necessary for State program purposes, and has abandoned the property to the Commissioner of General Services for sale or other disposition as Unappropriated State Land.

For further information, please contact: Frank Pallante, Esq., Office of General Services, Legal Services, 36th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, (518) 474-8831, Frank.Pallante@ogs.ny.gov

PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to enhance, and increase access to, Home and Community Based Services (HCBS) in accordance with the federal statutory provisions of Section 9817 of the American Rescue Plan Act of 2021 (ARP) which, subject to approval of the State's initial spending plan and narrative (Spending Plan) by the Centers for Medicare and Medicaid Services (CMS), provides a ten percent increase in Federal Medical Assistance Percentage (FMAP) to state Medicaid programs from April 1, 2021 to March 31, 2022 to supplement existing state expenditures on HCBS. The following changes are proposed:

Non-Institutional Services

Contingent upon CMS approval of the Spending Plan submitted by

the State, effective on or after October 7, 2021, this notice proposes to increase reimbursement rates, as follows:

1) Rates for state-plan approved Assertive Community Treatment (ACT) Services will be increased by 5.0 percent, effective October 7, 2021. However, to allow for the full disbursement of funds available April 1, 2021 – March 31, 2022, the rate increase for the period October 7, 2021 – March 31, 2022 will be an additional 5.0 percent, for a total increase of 10.0 percent. Rates will then be reduced 5.0 percent effective April 1, 2022. This enhancement will allow providers to supplement the implementation of one or more activities to enhance, expand or strengthen HCBS under the Medicaid program, including strengthening the response to the COVID-19 Public Health Emergency, assisting providers in meeting the challenges of serving the highest need individuals including but not limited to, dually diagnosed individuals, homeless individuals and those receiving court-ordered treatment.

The estimated annual net aggregate increase in gross Medicaid expenditures as a result of the proposed increase for ACT Services is \$6,100,000.

2) Rates for state-plan approved ACT Services will be increased by an additional 8.2 percent for the period October 7, 2021 – March 31, 2022. This enhancement will allow providers to increase recruitment and retention of experienced and dedicated direct care and other staff through measures including, but not limited to, targeted loan forgiveness, tuition reimbursement, hiring and signing bonuses, longevity payments, expanded student placements, shift differential pay and retirement contributions.

The estimated annual net aggregate increase in gross Medicaid expenditures as a result of this proposed increase for ACT Services \$4,700,000.

3) Rates for state-plan approved ACT Services provided by 10 newly-licensed ACT teams serving individuals up to age 21 will be increased by an additional 50.0 percent, effective October 7, 2021 through March 31, 2022. This enhancement will allow for implementation of ten new Youth Assertive Community Treatment teams through start-up, training, and monitoring funds, and pre-discharge Residential Treatment Facility (RTF) transitional services. As part of the Office of Mental Health's mission to reduce reliance on out of home care, Youth ACT Services are an important model that is being implemented across the State to serve children and families with high needs who may not have the supports to successfully engage in more traditional outpatient services, and to divert them from long-term stays in higher levels of care.

The estimated annual net aggregate increase in gross Medicaid expenditures as a result of this proposed increase for ACT Services is \$2,300,000.

4) Rates for state-plan approved ACT Services will be increased by an additional 50.0 percent, effective October 7, 2021 through March 31, 2022 for certain ACT programs identified as serving young adults through start-up, training, monitoring funds, and pre-discharge.

The estimated annual net aggregate increase in gross Medicaid expenditures as a result of this proposed increase for ACT Services is \$319,000.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at <http://www.health.ny.gov/regulations/>

state_plans/status. Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact: Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE

Department of State

A virtual meeting of the NYS Appearance Enhancement Advisory Committee will be held on Monday, October 25, 2021, at 10:30 a.m.

The public may attend the live meeting remotely using the following link:

<https://meetny-broadcast-pilot.webex.com/meetny-broadcast-pilot/j.php?MTID=mfafe31b55139f883f6b9311ab1f5e28a>

For additional WebEx conferencing instructions and meeting information, please visit the NYS Department of State’s website at www.dos.ny.gov. (Note: An agenda and meeting information will be posted one week prior to the meeting on the Department of State’s Events webpage at <https://dos.ny.gov/events>.)

Should you require further information, please contact: Denise Tidings at Denise.Tidings@dos.ny.gov or (518) 402-4921

PUBLIC NOTICE

Department of State
Program Change

STATEWIDE — Pursuant to 15 CFR 923, the New York State Department of State (DOS) hereby gives notice that the National Oceanic and Atmospheric Administration’s Office for Coastal Management (OCM) concurred on September 8, 2021 on the incorporation of the Village of Nyack Local Waterfront Revitalization Program (LWRP) amendment into New York State’s Coastal Management Program as a Program Change. As of September 8, 2021, the enforceable policies identified in the Table of Approved Changes below shall be applicable in reviewing federal actions pursuant to the federal consistency requirements of the Coastal Zone Management Act (CZMA) and its implementing regulations found at 15 CFR part 930. DOS requested OCM’s concurrence on this action on August 4, 2021, in a previous notice in the New York State Register, which further described the content of the action.

The Village of Nyack LWRP amendment was prepared in partnership with DOS and in accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the

New York State Coastal Management Program. The LWRP is a long-term management program for the waterfront resources of the Village along the Hudson River and is based on the policies of the New York State Coastal Management Program. The Village of Nyack LWRP amendment provides a detailed inventory and analysis of natural, historic and cultural resources in the Local Waterfront Revitalization Area in the Village, describes existing land and water uses, harbor management, and important economic activities, presents issues and opportunities for future development, and contains enforceable policies to be used for CZMA consistency review purposes.

Pursuant to the New York State Coastal Management Program and Article 42 of the New York State Executive Law, the Village of Nyack LWRP amendment was adopted by resolution by the Village of Nyack Board of Trustees on December 10, 2020 and approved by the New York State Secretary of State on May 12, 2021.

OCM’s concurrence includes the following list of changes and qualifications:

Table of Approved Changes to the New York Coastal Management Program (NY-2021-2)

Legal citation	Title of policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in state	Enforceable policy	Enforceable mechanism citation
Not applicable	Village of Nyack, New York Local Waterfront Revitalization Program (LWRP)	Revised	05/12/2021	Yes (Section III only)	Executive Law, Article 42

Qualifications

As with previous approval of NY CMP LWRPs, the enforceable provisions of Section III are only the stated policies and sub-policies. The enforceable policies do not include the explanatory text that accompanies each policy. While the explanatory text may be advisory as to how activities can show consistency with the LWRP policies, the State may not use the explanatory text as a basis for issuing an objection under its CZMA authority. Please also note that for the review of federal actions pursuant to the CZMA, the requirements of the statute and implementing regulations at 15 CFR part 930 are controlling over any conflicting interpretation of the discussion of the CZMA federal consistency requirements within the Village of Nyack LWRP.

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for CZMA federal consistency review purposes unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

The Village of Nyack Local Waterfront Revitalization Program amendment is available at: <https://dos.ny.gov/local-waterfront-revitalization-program>, the website of the New York State Department of State. If you have any questions, please contact: Barbara Kendall, DOS Office of Planning, Development and Community Infrastructure, at Barbara.Kendall@dos.ny.gov

PUBLIC NOTICE

Department of State

A virtual meeting of the NYS Appearance Enhancement Advisory Committee will be held on Monday, October 25, 2021, at 10:30 a.m.

The public may attend the live meeting remotely using the following link:

<https://meetny-broadcast-pilot.webex.com/meetny-broadcast-pilot/j.php?MTID=mfafe31b55139f883f6b9311ab1f5e28a>

For additional WebEx conferencing instructions and meeting information, please visit the NYS Department of State’s website at www.dos.ny.gov. (Note: An agenda and meeting information will be

posted one week prior to the meeting on the Department of State's Events webpage at <https://dos.ny.gov/events>.)

Should you require further information, please contact: Denise Tidings at Denise.Tidings@dos.ny.gov or (518) 402-4921

PUBLIC NOTICE

Department of State
F-2021-0474

Date of Issuance – October 6, 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-2021-0474 the applicant, Steve Noble with the City of Kingston, are proposing the expansion and improvement of the water-side portion of an existing wastewater treatment plant outfall with the installation of (24) HP12 piles to support (2) twin 28" diameter sewer pipes along the Rondout Creek Bed; a stormwater pipe; sheet pile to act as a cofferdam during construction and a permanent bulkhead post-construction; and a 14'x22' marine mattress approximately 62'-3" out into the creek. The discharge points of the outfall pipes will rest at an elevation of about 23'-6" below the mean high water mark. This project is located at 124-134 East Strand Street, Town of Kingston, Ulster County, Rondout Creek

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/f-2021-0474.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Rondout Creek Significant Fish and Wildlife Habitat:

https://dos.ny.gov/system/files/documents/2020/03/rondout_creek_final.pdf

- City of Kingston Local Waterfront Revitalization Program:

<https://dos.ny.gov/location/city-kingston-local-waterfront-revitalization-program>

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 November 5, 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-2021-0476

Date of Issuance - October 6, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0476, Tzippy Schwartz is proposing to reinstall storm-demolished 192 sf overwater wood deck & 8' x 30' wood float. Install new 3' x 24' aluminum ramp and 12' x 14' 4-pile boat lift at 45 Harborview West, Lawrence.

Town of Hempstead, Nassau County, Bannister Creek

The stated purpose of the proposed action is to allow for recreational use of the waterfront and safe storage and boarding of one recreational fishing boat.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/october/f-2021-0476consist.cert.pdf>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or October 21, 2021.

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

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

PUBLIC NOTICE

Department of State
F-2021-0510

Date of Issuance – October 6, 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-2021-0510 the applicant, Thomas Gahan, is proposing to construct 295 feet of new low-sill bulkhead with vinyl sheeting and untreated wood along shoreline to provide erosion control to the slumping shoreline, caused by past dredging of the canal. This project is located at 23 Shore Road, Village of Westhampton Beach, Suffolk County, Oneck Creek.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/f-2021-0510.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 October 21, 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-2021-0583

Date of Issuance – October 6, 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-2021-0583, Town of Hempstead Department of Conservation and Waterways proposes the installation of a segmented oyster reef along a portion of eroding shoreline at the north and south shores of Long Meadow Island in Reynold's Channel. The proposed plan is to mitigate shoreline erosion of the salt marsh habitat while providing a spawner sanctuary for eastern oysters which are the target of restoration efforts throughout the region.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/f-2021-0583townofhempstead.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 November 5, 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-2021-0595

Date of Issuance – October 6, 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-2021-0595-Micheal Marks proposes to install a 4' x 40' pier and 4-pile boat lift at the end of existing pier at 107 Bay Street, E Atlantic Beach.

Town of Hempstead, County of Nassau, Atlantic Ocean

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/october/f-2021-0595-consistcert.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 October 21, 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-2021-0735

Date of Issuance – October 6, 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-2021-0735, Anne Marie Frisco is proposing to construct a new 4' x 6' overwater wood platform, 3' x 18' wood ramp and 6' x 30' wood floating dock. The project is located on Domar Canal at 3972 Carrel Boulevard, Oceanside, NY, 11572.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/f-2021-0735frisco.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 November 5, 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-2021-0747

Date of Issuance – October 6, 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-2021-0747 the applicant, Peconic Land Trust, is proposing to dredge an area of 40' x 390' to a depth of 4' below Mean Low Water to provide adequate water depth within the channel. The approx. 1,000 cubic yards of spoils will be placed on adjacent beach areas to the south of the channel at a max height of 2' above grade and landward of Spring High Water. This project is located at 4th Street and Clark Street, Village of Greenport, 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/2021/10/f-2021-0747.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Town of Southold Local Waterfront Revitalization Program:

<https://dos.ny.gov/location/town-southold-local-waterfront-revitalization-program>

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 November 5, 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-2021-0764

Date of Issuance – October 6, 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-2021-0764, 1076 Ocean Road, LLC is proposing to construct a 4' x 100' catwalk with non-treated wood and 60% open-space decking, supported by 4" x 4" post of untreated wood; and 4' x 2' steps to access catwalk. The project is located on Sam's Creek, at 1076 Ocean Road, Bridgehampton, NY, 11932.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/f-2021-0764pn1076oceanroadllc.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 November 5, 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-2021-0766

Date of Issuance – October 6, 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-2021-0766, Kathleen Ryan is proposing to fill in the existing boat slip, remove and replace 145 linear feet of existing bulkhead, including returns and parallel capping boardwalks, in-place 18-inches higher than the existing bulkhead. Construction of a 4' x 50' fixed pier in a "L" configuration, a 18' x 18' and a 12' x 12.5 boat and watercraft lift, a 3' x 12' access ramp attached to a 8' x 20' floating dock. The project is located on the Amityville Creek, at 266 Ocean Avenue, Amityville, NY, 11701.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/f-2021-0766ryan.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 November 5, 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-2021-0779

Date of Issuance – October 6, 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-2021-0779, Cathy Ansaneli proposes to construct a new docking area consisting of a 4' x 6' platform, two 3' x 15' ramps, a 6' x 40' and 6' x 25' floats on six float pipes total. Two 5' x 20' finger floats are proposed off of the floats, with five mooring piles, and two 5' x 14' jet ski floats and two safety ladders. The project is located on the Carman River, at 130 East Shore Drive, Massapequa, NY 11758.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/f-2021-0779ansaneli.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 November 5, 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-2021-0786

Date of Issuance – October 6, 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-2021-0786, Thomas Conti proposes to construct a new fixed dock consisting of a 4' x 82' open-grate decking fixed section, 3' x 10' ramp and a 6' x 20' floating dock section. The site is located on Beaverdam Creek at 79 Montauk Highway, Westhampton, NY 11977.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/f-2021-0786conti.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 November 5, 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-2021-0844

Date of Issuance - October 6, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0844, NYS Office of General Services (OGS) (REDI Dredge Ogdensburg) proposes to dredge an area of ~0.2 acre in the vicinity of the Greenbelt Boat Launch. Dredging will occur to a maximum elevation of +230 feet, IGLD85 as shown in the design drawings (Attachment 3). Dredged material will be placed in an upland placement area (~ 0.2-acre) located at 9151 State Highway 37 Lisbon, NY. In addition, 0.5 acre is expected to be temporarily disturbed during staging of the dredge material and when improving the access road to the placement area.

The stated purpose of the proposed action will improve access to the St. Lawrence River for small (<=18') recreational vessels from the Greenbelt Boat Launch, when river conditions allow.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/october/f-2021-0844consistcert.pdf>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or October 21, 2021.

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

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

PUBLIC NOTICE

Department of State
F-2021-0853

Date of Issuance – October 6, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0853, NBD Holdings LLC, is proposing Removal of the existing dilapidated timber bulkhead and install a new fiber-reinforced polymer (FRP) sheet pile bulkhead w/ concrete cap and construct a pile supported platform comprised of steel pipe piles, precast concrete pile caps, and precast concrete planks seaward of the new bulkhead. Approximate 6,300 SF of floating docks will be installed seaward of the bulkhead and platform. The proposed project is located at 447 Woodcleft Avenue, Village of Freeport, Nassau County, Woodcleft Canal/Long Creek.

The stated purpose of the proposed action is to stabilize the property and surrounding area, prevent erosion, flood inundation, and further damage to adjacent structures and enhance public access to the waterfront.

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2021/10/2021-10_f-2021-0853_447_woodcleft_app.pdf

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or November 5, 2021.

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

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

PUBLIC NOTICE

Department of State

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.

2021-0428: Matter of Jason Randall, 432 Portland Avenue, Rochester, NY 14605, for a variance concerning safety requirements, including required water supply. Involved is a single-family dwelling located at 273 Dean Road, Town of Parma, County of Monroe, State of New York.

2021-0444: Matter of Judy Schwartz, 179 Ashbourne Road, Rochester, NY 14618, for a variance concerning safety requirements, including headroom clearance requirements. Involved is a single-family dwelling located at 179 Ashbourne Road, Town of Brighton, County of Monroe, State of New York.

2021-0450: Matter of FallMarc Development, LLC, 1726 Long Pond Road, Rochester, NY 14606, for a variance concerning safety requirements, including required water supply. Involved is a single-family dwelling located at Three Hidden Acres Trail, Town of Parma, County of Monroe, State of New York.

2021-0451: Matter of Paragon Homes, Inc., Timothy J Johnson, 49 Day Lilly Lane, Rochester, NY 14626, for a variance concerning safety requirements, including required water supply. Involved is a single-family dwelling located at Four Hidden Acres Trail, Town of Parma, County of Monroe, 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.

2021-0453 Matter of Christina Roca, 83 Beacon Hill Drive, Apt B28, Dobbs Ferry, NY 10522, for a variance concerning safety requirements, including emergency escape and rescue openings and insulation.

2021-0454 Matter of James Laroche, Nine Old Farms Road, Poughkeepsie, NY 12603, for a variance concerning safety requirements, including ceiling height.

2021-0456 Matter of Thomas Harberson Architectural Services, Thomas Harberson, 774 Pinesbridge Road, Ossining, NY 10562, for a variance concerning safety requirements, including ceiling height.

2021-0457 Matter of River Architects PLLC, Juhee Lee-Hartford, 178 Main Street, Cold Spring, NY 10516, for a variance concerning safety requirements, including an accessible ramp.

2021-0459 Matter of Sasaki and Spade Architects, William Spade, 12 Brevoort Road, Chappaqua, NY 10514, for a variance concerning safety requirements, including ceiling height.

2021-0460 Matter of Mancini Duffy/Senior Associate, Layla Oudrhiri Safiani, 261 N. Midland Avenue, Nyack, NY 10960, for a variance concerning safety requirements, including a stairway.

2021-0461 Matter of Z3 Consultants, Gary Beck, PO Box 363, LaGrangeville, NY 12540, for a variance concerning safety requirements, including distance to property lines.

PUBLIC NOTICE

Susquehanna River Basin Commission

Actions Taken at September 17, 2021 Meeting

SUMMARY: As part of its regular business meeting held on September 17, 2021, from Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: September 17, 2021.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238-0423, ext. 1312, fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also acted upon at the business meeting: (1) adoption of final rulemaking and three groundwater re-

lated policies; (2) adoption of current expense budget for FY2023; (3) adoption of member jurisdictions allocation for FY2023; (4) ratification of a grant and letter of understanding; (5) acceptance of a settlement offer for passby violations; and (6) an emergency certificate extension for Mott's LLP.

Project Applications Approved:

1. Project Sponsor and Facility: Aqua-ETC Water Solutions, LLC (West Branch Susquehanna River), Piatt Township, Lycoming County, Pa. Modification to update flow protection rates to be in accordance with current Low Flow Protection Policy No. 2012-01 (Docket No. 20120302).

2. Project Sponsor and Facility: ARD Operating, LLC (Loyalsock Creek), Hillsgrove Township, Sullivan County, Pa. Application for surface water withdrawal of up to 1.700 mgd (peak day).

3. Project Sponsor and Facility: Blossburg Municipal Authority, Hamilton Township, Tioga County, Pa. Application for renewal of groundwater withdrawal of up to 0.245 mgd (30-day average) from Well 1 (Docket No. 19890105).

4. Project Sponsor and Facility: Village of Greene, Chenango County, N.Y. Application for renewal of groundwater withdrawal of up to 0.181 mgd (30-day average) from Well 3 (Docket No. 19970303).

5. Project Sponsor: New York State Office of Parks, Recreation and Historic Preservation. Project Facility: Indian Hills State Golf Course (Irrigation Pond), Towns of Erwin and Lindley, Steuben County, N.Y. Applications (30-day averages) for surface water withdrawal of up to 0.300 mgd and consumptive use of up to 0.300 mgd.

6. Project Sponsor and Facility: Pennsylvania State University, Ferguson Township, Centre County, Pa. Applications for renewal of groundwater withdrawal of up to 0.960 mgd (30-day average) from Well UN-37 and consumptive use of up to 1.620 mgd (peak day) (Docket No. 19890106-1).

7. Project Sponsor and Facility: Selinsgrove Municipal Authority, Borough of Selinsgrove and Penn Township, Snyder County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.465 mgd from Well 3 and renewal of up to 0.707 mgd from Well4 (Docket No. 19910904).

8. Project Sponsor: SUEZ Water Pennsylvania, Inc. Project Facility: Newberry Operation, Newberry Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.043 mgd (30-day average) from the Eden Well (Docket No. 19910102).

9. Project Sponsor and Facility: Transcontinental Gas Pipe Line Company, LLC (Susquehanna River), Wyoming Borough, Luzerne County, Pa. Applications (peak day) for surface water withdrawal of up to 5.760 mgd and consumptive use of up to 0.100 mgd.

Commission-Initiated Project Approval Modifications

1. Project Sponsor: Knouse Foods Cooperative, Inc. Project Facility: Gardners Plant, Tyrone Township, Adams County, Pa. Conforming the grandfathered quantity with the forthcoming determination for a groundwater withdrawal of up to 0.183 mgd (30-day average) from Wells 3, 5, 6, 8, and 10 (Docket No. 20041211).AUTHORITY: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Projects Tabled:

1. Project Sponsor and Facility: East Hempfield Township Municipal Authority, East Hempfield Township, Lancaster County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.353 mgd from Well 6, 0.145 mgd from Well 7, 1.447 mgd from Well 8, and 1.660 mgd from Well 11, and Commission-initiated modification to Docket No. 20120906, which approves withdrawals from Wells 1, 2, 3, 4, and 5 and Spring S-1 (Docket Nos. 19870306, 19890503, 19930101, and 20120906).

2. Project Sponsor: Glenn O. Hawbaker, Inc. Project Facility: Naginey Facility, Armagh Township, Mifflin County, Pa. Applications for groundwater withdrawal of up to 0.300 mgd (30-day average) from the Quarry Pit Pond and consumptive use of up to 0.310 mgd (peak day).

Dated: September 20, 2021

Jason E. Oyler

General Counsel and Secretary to the Commission

