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**NEW YORK STATE**

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**REGISTER**

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***INSIDE THIS ISSUE:***

- Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure
- Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services
- Telehealth Services

**Notice of Availability of State and Federal Funds  
Executive Orders**

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

***For notices published in this issue:***

- the 60-day period expires on December 12, 2021
- the 45-day period expires on November 27, 2021
- the 30-day period expires on November 12, 2021

**KATHY HOCHUL  
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SECRETARY OF STATE**

**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## 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](http://www.dos.ny.gov)) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

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

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

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

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

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

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

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# RULE MAKING ACTIVITIES

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

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

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

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## Office of Children and Family Services

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### NOTICE OF ADOPTION

**To Clarify the Authorization and Payment Requirements of Part 415; to Revise the Sliding Fee Scale for Families**

**I.D. No.** CFS-27-21-00001-A

**Filing No.** 1050

**Filing Date:** 2021-09-27

**Effective Date:** 2021-10-13

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

**Action taken:** Amendment of sections 415.0 and 415.3 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20(3)(d), 34(3)(f), 410-u(2), 410-x(6)

**Subject:** To clarify the authorization and payment requirements of Part 415; to revise the sliding fee scale for families.

**Purpose:** To clarify the authorization and payment requirements of Part 415; to revise the sliding fee scale for families.

**Text or summary was published** in the July 7, 2021 issue of the Register, I.D. No. CFS-27-21-00001-EP.

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

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

#### **Initial Review of Rule**

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

#### **Assessment of Public Comment**

The agency received no public comment.

### NOTICE OF ADOPTION

**Licensed and Registered Child Care Programs to Comply with the Anaphylaxis Policy Issued by NYS Department of Health**

**I.D. No.** CFS-27-21-00003-A

**Filing No.** 1049

**Filing Date:** 2021-09-23

**Effective Date:** 2021-10-13

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-x

**Subject:** Licensed and registered child care programs to comply with the anaphylaxis policy issued by NYS Department of Health.

**Purpose:** For licensed and registered child care programs to comply with the anaphylaxis policy issued by NYS Department of Health.

**Text or summary was published** in the July 7, 2021 issue of the Register, I.D. No. CFS-27-21-00003-P.

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

**Text of rule and any required statements and analyses may be obtained from:** 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

#### **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**

Following publication of the Notice of Proposed Rule Making in the State Register on July 7, 2021, the Office of Children and Family Services (OCFS) received 17 comments regarding the Elijah's Law regulatory package for child care programs. These comments came from parents, child care providers, and health care consultants. OCFS carefully reviewed the comments and after careful consideration concludes no changes to the regulations are required.

**COMMENT:** The Office received a comment asking for a link to the OCFS Anaphylaxis training.

**OFFICE RESPONSE:** OCFS has developed an online training to assist child care programs with learning about allergies and how to respond in an anaphylaxis emergency. This one-hour online training is available to all child care providers at: [www.ecetp.pdp.albany.edu](http://www.ecetp.pdp.albany.edu)

**COMMENT:** The Office received a comment asking if OCFS will provide a list of Allergies or Food intolerances to child care programs.

**OFFICE RESPONSE:** Child care programs must have a plan for any child with a diagnosed allergy. There are no exclusions or exceptions. While having a plan for children with known food intolerances is a best practice recommendation, it is not a requirement.

**COMMENT:** The Office received a question regarding the change in scheduled Health Care Consultant visits required for child care programs.

**OFFICE RESPONSE:** The Notice of Proposed Rule Making changes

the schedule of Health Care Consultant visits for child care programs who administer medications from once every twenty-four months, to annually. The schedule of Health Care Consultant visits for day care centers that care for infants and toddlers or moderately ill children but do not otherwise administer medication remains every two years.

**COMMENT:** The Office received a question regarding whether the existing Code Ana Online Epinephrine Training Program is an acceptable training for a child care program to use when participating in the OCFS auto injector initiative, and if the Hold Harmless Agreement must be submitted to the program's assigned regulator.

**OFFICE RESPONSE:** Code Ana is an approved OCFS auto injector training. Additional approved trainings can be found in the Anaphylaxis Policy which is posted at: <https://ocfs.ny.gov/programs/childcare/policies/>

The Hold Harmless Agreement must be submitted to the child care program's regulator.

**COMMENT:** The Office received an inquiry asking that the Anaphylaxis Policy be expanded to include children of all ages, not just children weighing between 16.5-33 pounds.

**OFFICE RESPONSE:** The Anaphylaxis Policy for Child Day Care Programs is applicable to all licensed/registered child care programs, thus applying to all children enrolled in these programs, regardless of weight. The OCFS auto injector initiative is a separate voluntary initiative whereby child care programs have an opportunity to obtain a non-patient specific epinephrine auto injector funded by OCFS. Currently, the no cost auto injector that is available through the initiative is for children weighing between 16.5-33 pounds. Child care programs can obtain a non-patient specific epinephrine auto injector on its own for any weight range.

**COMMENT:** The Office received five comments regarding the need for a specific allergy form (OCFS 6029) to be completed by a physician when the child has seasonal or a drug (i.e. penicillin) allergy.

**OFFICE RESPONSE:** Child care programs must have a plan for any child with a diagnosed allergy. There are no exclusions or exceptions. If the child has seasonal allergies, but does not require medication, the child care program needs to know what environmental factors will trigger the child's allergies, what signs and symptoms to look for, and how to respond to the symptoms that the child exhibits. Similarly, if a child with a diagnosed medication allergy (i.e. penicillin) is accidentally given penicillin while in the child care program the caregiver needs to know how to respond to meet the child's medical needs. The plan does not need to include administration of epinephrine. The goal of Elijah's Law is to provide child care providers with a comprehensive plan for a child with a diagnosed allergy, and to know how to respond when a child in their care experiences an allergic reaction for the very first time.

**COMMENT:** The Office received two inquiries asking if the auto injectors provided to programs through the OCFS auto injector initiative will be replaced when they expire in two years, and if not, will programs be responsible to pay for the replacement.

**OFFICE RESPONSE:** Currently, the devices provided through the auto injector initiative expire in two years. The OCFS auto injector initiative is available to eligible child care programs through September 2022. Participation in the auto injector initiative is voluntary, and programs are not required to stock epinephrine.

**COMMENT:** The Office received a comment asking where Appendix J form can be found.

**OFFICE RESPONSE:** Appendix J is the last page in all versions of the Health Care Plan (OCFS 7020, 7021, 7022, 4703).

**COMMENT:** The Office received a request that the age and weight ranges for Elijah's Law be expanded to include children through the age of 18.

**OFFICE RESPONSE:** Elijah's Law requires that NYS Department of Health along with the NYS Office of Children and Family Services jointly issue a policy for child care programs which provides guidelines and procedures to be followed by child day care programs for both the prevention of anaphylaxis and during a medical emergency resulting from anaphylaxis. The resulting Anaphylaxis Policy for Child Day Care Programs applies to all children cared for in licensed/registered child care programs, regardless of age/weight.

**COMMENT:** The Office received a question about how often the OCFS Elijah's Law Allergy and Anaphylaxis training needs to be repeated.

**OFFICE RESPONSE:** If the program is participating in the OCFS non-patient specific auto injector initiative, the designated individual needs to complete the training once every two years.

**COMMENT:** The Office received a comment about OCFS' plan to offer additional (larger) doses of epinephrine auto injectors.

**OFFICE RESPONSE:** The OCFS auto injector initiative currently offers the lowest dose (16.5-33 pounds). These devices will be available to child care programs through September 2022.

**COMMENT:** The Office received an inquiry regarding the training required to administer asthma inhalers and antihistamines.

**OFFICE RESPONSE:** All staff administering an emergency medication

as part of an individual child's plan must be instructed on its use and the instruction must be provided by the parent, the child's health care provider or a health care consultant. The staff do not have to complete the stock epinephrine training or medication administration training unless they are otherwise administering stock epinephrine and/or medication.

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## Department of Civil Service

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### NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Civil Service publishes a new notice of proposed rule making in the *NYS Register*.

#### Jurisdictional Classification

I.D. No.	Proposed	Expiration Date
CVS-13-20-00016-P	April 1, 2020	September 22, 2021

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## Education Department

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### AMENDED

#### NOTICE OF ADOPTION

**Financial Viability, Accountability, and Evaluating Academic Progress in Licensed Private Career Schools and Certified ESL Schools**

**I.D. No.** EDU-25-21-00017-AA

**Filing No.** 1048

**Filing Date:** 2021-09-23

**Effective Date:** 2021-10-13

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

**Action taken:** Amendment of Part 126 of Title 8 NYCRR.

**Amended action:** This action amends the rule that was filed with the Secretary of State on September 14, 2021, to be effective September 29, 2021, File No. 00984. The notice of adoption, I.D. No. EDU-25-21-00017-A, was published in the September 29, 2021 issue of the *State Register*.

**Statutory authority:** Education Law, sections 207, 305 and 5001 through 5010

**Subject:** Financial Viability, Accountability, and Evaluating Academic Progress in Licensed Private Career Schools and Certified ESL Schools.

**Purpose:** To establish standards of financial viability, accountability, and evaluating academic progress in licensed private career schools and certified English as a second language schools.

**Substance of amended rule:** The proposed amendment to Part 126 of the Regulations of the Commissioner of Education relates to standards of financial viability, accountability, and evaluation of the academic progress in licensed private career schools and certified English as a second language schools. A summary of the proposed amendments is as follows:

Satisfactory Academic Progress (§ 126.4(e)(2))

Current regulations require that schools perform satisfactory academic progress (SAP) evaluations of students but do not specify when, or how often, they must be performed. For example, under current rule, a school might allow students to go through 450 hours out of a 900-hour program before they receive a SAP evaluation, and only receive a second evaluation at the end of the program. The proposed amendment to 126.4(e)(2):

- Ensures that students receive early and frequent feedback related to their academic progress by generally requiring SAP evaluations at the midpoint and endpoint of each quarter or term;
- Clarifies minimum attendance and grade requirements for academic progress and graduation; and
- Creates an early warning provision, where schools must notify students who are not meeting academic or attendance requirements.

Standard of Financial Viability (§ 126.8)

Current law and regulation require licensed private career schools to submit annual financial statements. The Department must review and analyze the financial viability of schools based on these filings. In addi-



tion, the Department may take measures to protect student tuition dollars, such as probation or requiring schools with low financial viability to establish a performance bond in the event of a school closure. The field will benefit from a better understanding of the process by which the Department will analyze financial viability or implement probation and other corrective interventions.

The proposed amendment creates a transparent framework and process for assessing the financial viability of all licensed private career schools and certified ESL schools. The framework is adapted from the United States Department of Education's system of evaluating the financial viability of postsecondary schools. The Department's Office of Higher Education utilizes portions of this framework in analyzing the financial viability of colleges and universities. It was also utilized by the OSC in its recent program audit of BPSS.

Additionally, current regulation requires certified ESL schools to submit an annual "statement of revenue" as opposed to audited financial statements. However, it is not possible to accurately evaluate the financial viability of schools based on a "statement of revenue." Indeed, over the past several years, several certified ESL schools have abruptly shut down due to financial issues that the Department was unable to foresee through reviewing such statements. OSC also identified this limitation in the Department's current process and the attendant risks to students in its program audit of BPSS. As a solution, the proposed amendment repeals the current section 126.8 of the Commissioner's regulations and adds a new section 126.8 which:

- Establishes clear criteria for assessing the financial viability of schools: schools will be considered financially viable if: (i) the schools' equity, primary reserve and net income ratios yield a composite score of at least 1.5; and (ii) the school is able to meet all of its financial obligations and provide the administrative resources necessary to comply with all licensure or certification requirements.

- Identifies triggering events that may indicate financial viability concerns. Schools must notify the Department within five days of any such triggering event.

- Establishes alternative standards of financial viability. A school that is determined not to be financially viable may be eligible to continue operation by meeting one of the following alternate standards:

- Zone alternative.** A school that does not meet the general standards of financial viability solely because the composite score falls below 1.5 will be eligible for the zone alternative if its composite score falls between 1.0 and 1.4.

- Probation.** A school that does not meet the general standards of financial viability and does not qualify for the zone alternative may be placed on probation. By the conclusion of the probationary period, the school must demonstrate that it is financially viable by meeting one or more alternative methods demonstrating financial viability. If the school cannot, and the Commissioner determines that the school's financial condition continues to threaten its ability to educate students and/or jeopardize student tuition funds, the Department shall schedule a hearing that may result in suspension or revocation of the school's license.

- Provides that the commissioner may deny, suspend, revoke or decline to renew any license or certification if the commissioner determines that a schools' financial condition may result in the interruption or cessation of instruction or jeopardize student tuition funds pursuant to Education Law § 5001(5)(c)(3).

- Establishes financial reporting requirements for initial and renewal licensure or certification applications, including the submission of audited financial statements, and requires schools to submit annual financial statements. Previously such requirements only applied to licensed private career schools; the proposed amendment expands such requirements to include certified ESL schools.

School Accountability (§ 126.19)

Current law and regulation require licensed private career schools to submit annual statistical data reports that include information on enrollment, completion, and job-placement data. Although annual data reporting is a core element of school supervision, the current data has limited utility given the lack of clearly-defined data elements and standardized definitions for completion and job-placement rates. In addition, as OSC recognized in its program audit, certified ESL schools are not currently required to submit any data reports. The proposed section 126.19:

- Establishes clearly defined data elements to standardize data collection across schools.

- Establishes standardized definitions for "completion rate" and "job-placement rate."

- Requires both licensed private career schools and certified ESL schools to submit annual statistical data reports.

- Requires schools to report key summary data in their catalogs and promotional materials.

- Permits the commissioner to establish a school data report system on the Department's website that includes data determined to be useful for

consumers to make informed decisions about whether they should attend a licensed or certified school.

Student Social Security Numbers on Enrollment Agreements (§ 126.7(b)(5))

Current regulation requires student social security numbers to be included on student enrollment agreements, which are jointly signed by a student and school agent. A student's social security number is highly confidential, and there are other ways to validate students' identity without including such information on enrollment agreements. The proposed amendment eliminates this requirement, thus providing better data privacy for students.

Required 30-day Notice Prior to School Closure (§ 126.11(c))

Subdivision (c) of section 126.11 of Regulations of the Commissioner requires licensed private career schools to provide the Department with at least 30 days' notice prior to a school's closure. This notice helps to ensure that a plan is in place for displaced students and for the maintenance of student records. However, no such regulation exists for certified ESL schools. There have been several cases over the past few years where certified ESL schools have provided minimal or no notice of closure. The proposed amendment closes this gap and ensures that ESL schools provide the same notice to the Department that licensed private career schools must provide.

Prohibition from Enrolling New Students Upon a Denial of Licensure Renewal (§ 126.10(b))

When a school submits a timely and complete application for the renewal of its license to operate, regulation guides that the Department provide schools with a written approval or denial 30 days prior to the expiration of the school license. In the case of a denial, this 30-day notice provides time to teach-out or transition students and implement a plan for the permanent safe-keeping of student records. The proposed amendment ensures that schools do not enroll any students after such a denial but before expiration of its current license.

Academic Standing and Counseling Records (§ 126.11(a))

The proposed amendment requires schools to maintain documentation of the academic standing evaluations and academic counseling in the student record.

Technical Amendments (§ 126.10(j))

The proposed amendment makes technical revisions to subdivision (j) of section 126.10 of the Commissioner's regulations to clarify that sections 126.8, 126.19, and 126.11(c) of the Commissioner's regulations are applicable to certified ESL schools. Additionally, such section is amended to remove language that is now superfluous in light of the amendments to section 126.8 regarding financial reporting requirements for certified ESL schools.

**Amended rule as compared with adopted rule:** Nonsubstantive revisions were made in section 126.19(a)(2).

**Text of amended rule and any required statements and analyses may be obtained from:** Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

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

Since publication of A Notice of Proposed Rule Making in the State Register on June 23, 2021, non-substantive revisions were made to section 126.4(e)(2)(xi) of the Commissioner's regulations to clarify that student's and director's signature are required only in cases where a student fails to meet SAP standards. Students who meet SAP standards shall still be provided written notice, but such notice will not require student and director signatures. Additionally, non-substantive technical revisions were made to section 126.19(a)(2) to eliminate a repeated subparagraph and renumber such subparagraphs in paragraph (2) accordingly.

These non-substantive revisions do not require any changes to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis and Rural Area Flexibility Analysis.

**Revised Job Impact Statement**

The purpose of the proposed rule is to improve the Department's Bureau of Proprietary School Supervision (BPSS) oversight of postsecondary career schools (licensed private career schools) and for-profit English as a second language schools (certified ESL schools) to maintain educational quality and protect students through the evaluation of schools' financial viability, the collection and use of school data, and the evaluation of students' academic progress. Because it is evident from the nature of the proposed amendment that it will have no impact on jobs and employment opportunities, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

## NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Education publishes a new notice of proposed rule making in the *NYS Register*.

**To require study in language acquisition and literacy development of English language learners in certain teacher preparation**

<b>I.D. No.</b>	<b>Proposed</b>	<b>Expiration Date</b>
EDU-17-19-00008-P	April 24, 2019	September 22, 2021

## Department of Financial Services

### EMERGENCY RULE MAKING

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

**I.D. No.** DFS-41-21-00001-E

**Filing No.** 1012

**Filing Date:** 2021-09-22

**Effective Date:** 2021-09-22

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

**Action taken:** Addition of section 52.76(b) to Title 11 NYCRR.

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

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

**Specific reasons underlying the finding of necessity:** According to the Centers for Disease Control and Prevention (“CDC”), the Delta variant of SARS-CoV-2, the virus that causes COVID-19, is the predominant variant of the virus in the United States. The Delta variant is a more transmissible and contagious form of the virus, may cause more severe symptoms, and appears to be behind the recent increase in cases and hospitalizations due to COVID-19 infections across the nation. The CDC released, in July of this year, updated guidance on the need to urgently increase COVID-19 vaccination coverage to curb its spread. The CDC has determined that COVID-19 vaccines are highly effective at preventing severe disease and death, including against the Delta variant. Thus, vaccinating as many New Yorkers as possible is particularly important in light of the Delta variant’s increasing spread and ability to cause more severe illness and death.

It is therefore essential that New Yorkers have coverage for COVID-19 immunizations and the administration thereof, including any visits necessary to obtain the immunization, so that there are no barriers for New Yorkers to expeditiously obtain the immunizations.

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

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

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

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

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

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

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

(i) the advisory committee on immunization practices of the federal centers for disease control issues a recommendation for the COVID-19 immunization; (ii) the United States preventive services task force issues a recommendation with an “A” or “B” rating for the COVID-19 immunization; or (iii) the superintendent determines, in consultation with the commissioner of health, that a policy shall cover the COVID-19 immunization. COVID-19 immunizations, and administration thereof, including any visits necessary to obtain the immunizations, administered at a provider’s office, facility, pharmacy, or other setting, including any provider or location authorized by this State or the federal government to administer or host the administration of the immunization, shall not be subject to annual deductibles, coinsurance, copayments, or any other out-of-pocket cost.

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

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

**Text of rule and any required statements and analyses may be obtained from:** Colleen Rumsey, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-0154, email: Colleen.Rumsey@dfs.ny.gov

#### Regulatory Impact Statement

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

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

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

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

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

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

3. Needs and benefits: According to the Centers for Disease Control and Prevention (“CDC”), the Delta variant of SARS-CoV-2, the virus that causes COVID-19, is the predominant variant of the virus in the United States. The Delta variant is a more transmissible and contagious form of the virus, may cause more severe symptoms, and appears to be behind the recent increase in cases and hospitalizations due to COVID-19 infections across the nation. The CDC released, in July of this year, updated guidance on the need to urgently increase COVID-19 vaccination coverage to curb its spread. The CDC has determined that COVID-19 vaccines are

highly effective at preventing severe disease and death, including against the Delta variant. Thus, vaccinating as many New Yorkers as possible is particularly important in light of the Delta variant's increasing spread and ability to cause more severe illness and death. It is therefore essential that New Yorkers have coverage for COVID-19 immunizations and the administration thereof, including any visits necessary to obtain the immunization, so that there are no barriers for New Yorkers to expeditiously obtain the immunizations.

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

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

4. Costs: Health care plans may incur additional costs to comply with the amendment because they may need to file new policy and contract forms and rates. However, any costs should be minimal because health care plans submit policy and contract forms and rates as a part of the normal course of business.

This amendment does not impose any costs on providers.

This amendment may impose compliance costs on the Department because the Department will need to review amended policy and contract forms and rates. However, any additional costs incurred by the Department should be minimal, and the Department should be able to absorb the costs in its ordinary budget.

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

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

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

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

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

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

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

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

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

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

#### **Regulatory Flexibility Analysis**

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

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

This amendment does not affect local governments.

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

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

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

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

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government.

A health care plan that is a small business may incur costs to comply with this amendment because it may need to file new policy or contract forms and rates. However, any costs should be minimal because health care plans submit policy and contract forms and rates as a part of the normal course of business.

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

5. Economic and technological feasibility: This amendment does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the amendment. A health care plan and a provider that is a small business should not incur any economic or technological impact as a result of the amendment.

6. Minimizing adverse impact: There will not be an adverse impact on any local government because the amendment does not apply to any local government. This amendment should not have an adverse impact on a health care plan or provider that is a small business because the amendment uniformly affects all health care plans and providers.

7. Small business and local government participation: The Department of Financial Services ("Department") notified trade associations representing health care plans that are small businesses that it intended to promulgate this amendment. Health care plans and providers that are small businesses also will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

#### **Rural Area Flexibility Analysis**

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

2. Reporting, recordkeeping, and other compliance requirements; and professional services: A health care plan, including a health care plan in a rural area, may be subject to additional reporting, recordkeeping, or other

compliance requirements because the health care plan may need to file new policy or contract forms and rates with the Department of Financial Services (“Department”).

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

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

3. Costs: Health care plans, including those in rural areas, may incur additional costs to comply with the amendment because they may need to file new policy and contract forms and rates with the Department. However, any costs should be minimal because health care plans submit policy and contract forms and rates as a part of the normal course of business.

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

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

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

#### **Job Impact Statement**

This amendment should not adversely impact jobs or employment opportunities in New York State. The amendment requires a policy or contract that provides hospital, surgical, or medical care coverage, excluding grandfathered health plans, to provide immediate coverage, without cost sharing, of COVID-19 immunizations and the administration thereof at a provider’s office, facility, pharmacy, or other setting, including any provider or location authorized by New York State or the Federal government to administer or host the administration of the immunization. As a result, there should be no impact on jobs or employment opportunities.

## **EMERGENCY RULE MAKING**

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

**I.D. No.** DFS-41-21-00004-E

**Filing No.** 1051

**Filing Date:** 2021-09-27

**Effective Date:** 2021-09-27

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

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

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

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

**Specific reasons underlying the finding of necessity:** COVID-19 has spread to hundreds of millions of people worldwide, with more than 2.3 million confirmed cases, and 54,574 deaths, in New York State since February 2020. According to the Centers for Disease Control and Prevention (“CDC”), the Delta variant of SARS-CoV-2, the virus that causes COVID-19, is the predominant variant of the virus in the United States. The Delta variant is a more transmissible and contagious form of the virus, may cause more severe symptoms, and appears to be behind the recent increase in cases and hospitalizations due to COVID-19 infections across the nation, including this state. Given the public health implications related to COVID-19, it is essential that the Department of Financial Services (“Department”) promulgate regulations that implement protective measures, whenever possible, to help stop its spread.

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

cal, as expressed in section 2.19(d) of the regulation, if a hearing will be held via videoconference.

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

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

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

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

§ 2.19 Hearings conducted by videoconference.

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

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

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

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

(1) the respondent’s or applicant’s due process rights would best be served by conducting a hearing in-person; or

(2) there are circumstances presented by the respondent or applicant that make proceeding with the hearing by videoconference fundamentally unfair or impractical.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire December 25, 2021.

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

#### **Regulatory Impact Statement**

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

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

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

FSL Section 202 establishes the Office of the Superintendent.

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

FSL Section 305 sets forth provisions regarding hearings held by the Department.

State Administrative Procedure Act (“SAPA”) Article 3 governs adjudicatory proceedings. SAPA Section 301 directs all state agencies subject to SAPA to adopt rules governing the procedures on adjudicatory proceedings and appeals.

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

3. Needs and benefits: COVID-19 has spread to hundreds of millions of people worldwide, with more than 2.3 million confirmed cases, and 54,574 deaths, in New York State since February 2020. According to the Centers for Disease Control and Prevention (“CDC”), the Delta variant of SARS-CoV-2, the virus that causes COVID-19, is the predominant variant of the virus in the United States. The Delta variant is a more transmissible and contagious form of the virus, may cause more severe symptoms, and appears to be behind the recent increase in cases and hospitalizations due to COVID-19 infections across the nation, including this state. Given the public health implications related to COVID-19, it is essential that the Department promulgate regulations that implement protective measures, whenever possible, to help stop its spread.

This amendment adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department may conduct administrative hearings by videoconference at the Department’s discretion so that parties and hearing officers do not have to be physically present at the same location during hearings, subject to a determination by the hearing officer upon a timely objection filed by the respondent or applicant that a hearing held by videoconference would either impinge upon the respondent’s or applicant’s due process rights, or would be fundamentally unfair or impractical, as expressed in section 2.19(d) of the regulation. The amendment accords with the Legislature’s goals for the Department to modernize adjudication proceedings and protect the public from harmful actions committed by regulated parties, while also protecting the safety of those participating in or witnessing a hearing by avoiding personal contact in a way that will help limit the spread of COVID-19.

4. Costs: The rule making is not expected to impose any costs on any individual who or entity that may be impacted by the rule making.

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

6. Paperwork: The rulemaking should not result in any individual who or entity that is impacted by the amendment to generate any additional paperwork.

7. Duplication: The rule making does not duplicate, overlap, or conflict with any existing New York or federal laws, rules, or other legal requirements.

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

9. Federal standards: There are no minimum standards of the federal government for the same or similar subject areas.

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

#### **Regulatory Flexibility Analysis**

1. Effect of rule: The rule making has the potential to impact small businesses as defined by State Administrative Procedures Act (“SAPA”) Section 102(8), which are defined as both independently owned and operated and have 100 or less employees. Licensees and non-licensees that are small businesses may become parties to Department of Financial Services (“Department”) adjudicatory proceedings for having been charged with a violation of the Banking Law, Insurance Law, Financial Services Law, or any other law that authorizes the Superintendent of Financial Services to take action. The actual number of participants in adjudicatory proceedings in a given year may reach into the hundreds, based on prior history.

The rule making does not apply to any local government.

2. Compliance requirements: The rule making does not impose any recordkeeping, reporting or other affirmative acts upon any small business that may be impacted by this rule making, or any local government because the rule making does not apply to any local government.

3. Professional services: No small business impacted by the rule making will need to retain professional services to comply with the rule making, or any local government because the rule making does not apply to any local government.

4. Compliance costs: The rule making does not impose any compliance costs on any small business or local government.

5. Economic and technological feasibility: No small business impacted by the rule making should experience any economic or technological impact as a result of the rule making, or any local government because the rule making does not apply to any local government.

6. Minimizing adverse impact: The Department believes that no small business will be adversely affected by the rule making, or any local government because the rule making does not apply to any local government.

7. Small business and local government participation: The Department will comply with SAPA Section 202-b(6) by publishing the rule making in the State Register and posting the rule making on the Department’s website.

#### **Rural Area Flexibility Analysis**

The Department of Financial Services finds that this rule making, which adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department may conduct administrative hearings by videoconference at the Department’s discretion so that parties and hearing officers do not have to be physically present at the same location during hearings, subject to a determination by the hearing officer upon a timely objection filed by the respondent or applicant that a hearing held by videoconference would either impinge upon the respondent’s or applicant’s due process rights, or would be fundamentally unfair or impractical, as expressed in section 2.19(d) of the regulation, does not impose any additional burdens on persons located in rural areas, and will not have an adverse impact on rural areas because it applies uniformly to all persons that are resident or do business in both rural and non-rural areas of New York State.

#### **Job Impact Statement**

The Department of Financial Services (“Department”) finds that this rulemaking should not adversely impact job or employment opportunities in New York. This rulemaking adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department may conduct administrative hearings by videoconference at the Department’s discretion so that parties and hearing officers do not have to be physically present at the same location during hearings, subject to a determination by the hearing officer upon a timely objection filed by the respondent or applicant that a hearing held by videoconference would either impinge upon the respondent’s or applicant’s due process rights, or would be fundamentally unfair or impractical, as expressed in section 2.19(d) of the regulation.

The Department has no reason to believe that the rulemaking will result in any adverse impact on job or employment, including self-employment, opportunities in New York.

### **NOTICE OF ADOPTION**

#### **Brokers, Agents and Certain Other Licensees - General**

**I.D. No.** DFS-27-21-00018-A

**Filing No.** 1052

**Filing Date:** 2021-09-28

**Effective Date:** 2021-11-12

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

**Action taken:** Amendment Part 20 (Regulations 9, 18 and 29) of Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301, 2108(r) and 2132

**Subject:** Brokers, Agents and Certain Other Licensees - General.

**Purpose:** To set forth classes licensees must complete to fulfill part of the 15 hour credit hours required by Insurance Law, art. 21.

**Text or summary was published** in the July 7, 2021 issue of the Register, I.D. No. DFS-27-21-00018-P.

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

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

#### **Initial Review of Rule**

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

#### **Assessment of Public Comment**

The Department of Financial Services (“DFS”) received comments from trade organizations representing independent insurance agencies (“I-agency trade”), insurance brokers (“broker trade”), and insurance agents

(“agent trade”); continuing education (“CE”) course providers; the executive director of a university’s risk management and decision processes center (“executive director”); and insurance producers. The executive director expressed support for the amendment, explaining that the amendment would improve flood risk communication and help ensure that consumers receive the insurance that best fits their needs at an appropriate price.

Other comments included: suggestions that DFS change the effective date; a question about whether the definition of “Insurance Law instruction” includes instruction on 23 NYCRR 500; a question about whether DFS would approve a CE course on general insurance agency operations that includes topics on diversity, inclusion, and elimination of bias, ethics and professionalism, and the Insurance Law; a request that DFS either remove the enhanced flood CE requirement or reduce it to one hour; that the amendment now would require insurance brokers with designations to take 39 CE hours every two years; a request that DFS consolidate the flood insurance instruction requirements from three hours to two hours or rotate the requirements for these areas of instruction; that it is “ridiculous” that the amendment requires insurance producers to devote almost one half of the 15 mandatory CE hours to instruction “involving nothing to do with insurance”; that it is unfair that prior courses allegedly would not count toward license renewal; a request that DFS waive the amendment requirements for insurance producers who already completed their CE for their 2022 license renewal; a question about whether the amendment applies to all insurance producer licensing lines; a question about whether DFS will allow an insurance producer to repeat flood courses to satisfy the CE requirements; a question about whether bridge courses will still be available after DFS adopts this amendment; a question about whether the amendment applies to non-resident insurance agents and non-resident independent adjusters; and a question about an insurance agent with an inactive agent’s license.

DFS did not make any changes in response to these comments. The full assessment of public comments is available on the DFS website.

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## Department of Health

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### EMERGENCY RULE MAKING

#### Telehealth Services

**I.D. No.** HLT-41-21-00002-E

**Filing No.** 1047

**Filing Date:** 2021-09-23

**Effective Date:** 2021-09-23

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

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

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

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

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

**Subject:** Telehealth Services.

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

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

#### *PART 538 State Reimbursement for Telehealth Services*

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

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

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire December 21, 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:

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

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

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

##### Legislative Objectives:

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

##### Needs and Benefits:

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

During the course of the public health emergency, Medicaid providers have adopted widespread use of telehealth, including through audio-only telephonic modalities and other audio-only technologies, as a means of delivering services to Medicaid beneficiaries. Providers have reported that this expansion of telehealth has improved access to care, improved patient experience, and improved provider satisfaction. Telehealth also has the potential to improve patient outcomes, although measurement of these outcomes requires further research. Furthermore, expanded use of telehealth during the pandemic has resulted in Medicaid program savings related to avoidance of emergency room and urgent care visits, and decreased utilization of Medicaid-covered non-emergency medical transportation services.

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

Costs:

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

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

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

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

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

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

**Federal Standards:**  
 There are no minimum Federal standards regarding this subject.

**Compliance Schedule:**  
 These amendments shall be effective on filing with the Secretary of State.

**Regulatory Flexibility Analysis**

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

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

**NOTICE OF ADOPTION**

**Limits on Executive Compensation**

**I.D. No.** HLT-36-19-00006-A

**Filing No.** 1046

**Filing Date:** 2021-09-22

**Effective Date:** 2021-10-13

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

**Action taken:** Amendment of section 1002.3 of Title 10 NYCRR.

**Statutory authority:** Social Services Law, section 363-a(2); Public Health Law, sections 201(1)(o), (p), 206(3) and (6)

**Subject:** Limits on Executive Compensation.

**Purpose:** Removes “Soft Cap” prohibition on covered executive salaries.

**Text or summary was published** in the September 4, 2019 issue of the Register, I.D. No. HLT-36-19-00006-P.

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

**Text of rule and any required statements and analyses may be obtained from:** 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

**Initial Review of Rule**

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

**Assessment of Public Comment**

The New York State Department of Health (Department) received comments from Agencies for Children’s Therapy Services (ACTS) and The Continuing Care Leadership Coalition (CCLC). The comments and the Department’s responses are summarized below.

**Comment:** A comment was received stating that the \$199,000 executive compensation threshold is antiquated and should be updated to reflect new duties executives have been required to take on as well as inflation. The commenter suggested that the executive compensation cap be at a minimum constituent with the Bureau of Labor Statistics data on inflation.

**Response:** The regulations establish a \$199,000 maximum for the use of State funds or State-authorized payments for executive compensation given directly or indirectly to a covered executive. However, this amount does not limit the amount of compensation paid to such executives from other sources of income outside of State funds or State-authorized payments. In addition, the regulations provide for an annual review to be conducted by the Department to determine whether adjustment is necessary based on appropriate factors and subject to the approval of the Director of the Division of Budget. As such, no changes were made to the proposed regulation as a result of this comment.

**Comment:** A comment was received asking that the Department recognize that not-for-profit entities engage in a similar process as set forth in the proposed regulation to comply with Internal Revenue Service requirements related to executive compensation. The commenter suggested that the Department consider further aligning State reporting and Federal reporting for such entities, to reduce the paperwork burden for not-for-profit entities.

**Response:** The proposed regulation is necessary to comply with the Court of Appeal’s decision in *LeadingAge, et al. v. Shah, et al.*, 32 N.Y.3d 249 (2018), which invalidated section 1002.3(b) of the existing regulation. The proposed rulemaking only seeks to remove this provision of the regulation and no additional amendments are being made at this time. The Department will take this comment under consideration for any future rulemaking. No changes were made to the proposed regulation as a result of this comment.

**Comment:** A comment was received suggesting that the Department update the materials on the State’s EO #38 website, as the existing materials appeared to be dated and confusing to understand.

**Response:** The Department will take this comment under consideration; however, no changes are necessary to the regulation as a result of this comment.

**Comment:** A comment was received in support of the regulatory amendments.

**Response:** No changes to the proposed regulation are necessary as a result of this comment.

**NOTICE OF EXPIRATION**

The following notices have expired and cannot be reconsidered unless the Department of Health publishes a new notice of proposed rule making in the *NYS Register*.

**Hospital Medical Staff - Limited Permit Holders**

I.D. No.	Proposed	Expiration Date
HLT-47-19-00008-P	November 20, 2019	September 22, 2021

**Women, Infants and Children (WIC) Program**

I.D. No.	Proposed	Expiration Date
HLT-51-19-00001-P	December 18, 2019	September 22, 2021

**Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards**

I.D. No.	Proposed	Expiration Date
HLT-27-20-00006-P	July 8, 2020	September 22, 2021

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

**Tanning Facilities**

I.D. No. HLT-46-19-00003-RP

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

**Proposed Action:** Amendment of Subpart 72-1 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, sections 3551 and 3554

**Subject:** Tanning Facilities.

**Purpose:** To prohibit the use of indoor tanning facilities by individuals less than 18 years of age.

**Substance of revised rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>):** The proposed Subpart amendment contains the following provisions:

The proposed amendment revises the term “tanning facility” to include the regulation of establishments *whether or not* a fee is charged to be consistent with the Public Health Law. The minimum age that individuals *are allowed to* use a regulated ultraviolet (UV) indoor tanning devices is raised to eighteen years old, and the amount of the registration fee and inspection fee have also been revised to conform with the Public Health Law. A definition of “disinfect” is added and clarifications are made to existing equipment cleaning and disinfection procedures. The proposed regulation also clarifies existing language to improve understanding and consistent implementation.

**Revised rule compared with proposed rule:** Substantive revisions were made in sections 72-1.2, 72-1.3, 72-1.4, 72-1.5, 72-1.8, 72-1.9, 72-1.10 and 72-1.11.

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

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

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

**Revised Regulatory Impact Statement**

Statutory Authority:

Article 35-A of the Public Health Law (PHL) defines requirements for the regulation of ultraviolet radiation (tanning) devices and authorizes the Commissioner to promulgate rules and regulations necessary to effectuate the provisions of the Article, including the regulation of non-medical ultraviolet radiation devices.

Legislative Objectives:

In enacting PHL Article 35-A on July 10, 1990, the Legislature established requirements for the regulation of non-medical ultraviolet radiation (tanning) devices to standardize protections for people using these devices in New York State. By enacting Chapter 194 of the Laws of 2018, the legislature furthered this objective for children by increasing the minimum age of people allowed to use tanning devices and eliminating the ability of a child to obtain parental consent to use the device. The proposed amendment furthers the legislative objective of protecting people using tanning devices by incorporating the legislation into regulation, improving warning messages about health risks associated with use of ultraviolet radiation devices and clarifying the health and safety standards for disease prevention already contained in the regulation.

Needs and Benefits:

Chapter 194 of the Laws of 2018 amended PHL Article 35-A prohibiting children under 18 years old from using tanning facilities and changing the definition of Tanning Facility to include all facilities, whether or not a fee is charged, directly or indirectly. The regulatory amendments pertaining to the minimum age of patrons and applicability of the regulation conform with PHL Article 35-A. Additionally, the amendments require a larger warning sign to accommodate the required notification and enhance the consistency and clarity of the regulations. Compliance with Subpart 72-1 of the SSC is essential to protect the public from risks related to indoor tanning facilities.

The revised rule modifies the minimum age that individuals are allowed to use commercial ultraviolet (UV) indoor tanning devices and modifies the amount of the registration fee and inspection fee in accordance with legislation. Public Health Law Article 35-A now prohibits the use of indoor tanning facilities by individuals less than 18 years of age and establishes a biennial registration fee of one hundred and twenty dollars and a biennial inspection fee of two hundred dollars. The laws previously prohibited children less than 17 years of age from using UV tanning devices, required those between 17 - 18 to obtain written parental consent,

and had a biennial registration fee of thirty dollars and a biennial inspection fee of fifty dollars. The revised rulemaking to Subpart 72-1 also clarifies existing language to improve understanding and consistent implementation.

Costs:

Costs to Regulated Parties:

The proposed amendments increase the biennial registration fee from thirty dollars to one hundred and twenty dollars and a biennial inspection fee from fifty to two hundred dollars per ultraviolet radiation device. The proposed amendments will impose costs, in terms of lost revenue, for those tanning facility operators who allowed seventeen-year-old patrons to use their tanning devices with parental or guardian consent prior to the law change; however, not all tanning facilities allowed minors to tan prior to the PHL amendment, and the revenue loss for those that did is expected to be minimal. There could also be an expense to tanning facilities that will now be required to comply with the regulation due to the law amendment which now defines a tanning facility as an establishment with ultraviolet radiation devices for human beings whether or not a fee is charged; however, no such facilities are known to the State Health Department.

Cost to State and Local Government:

State and local governments will incur no additional costs for enforcement. The printing and distribution of the new regulation and the corresponding program inspection report, warning sign, tanning hazard information sheet, and acknowledgement form will be a minimal State.

Health Department Expense: There will be additional costs for providing training and technical guidance to staff of local health departments that are authorized to be the Permit Issuing Official (PIO). No State or local governments are known to operate tanning facilities.

Paperwork:

The proposed amendments will impose minimal additional paperwork on tanning facility operators, including the maintenance of Tanning Facilities Statement of Acknowledgement forms.

Local Government Mandates:

The regulations will not impose any local government mandates. City and county health departments are not mandated to act as the PIO to enforce these regulations.

Duplication:

The proposed regulation does not duplicate any existing state or federal regulation.

Alternatives:

The proposed regulation meets the requirements established by the PHL and effectuates the provisions of the article as intended. Consideration was given to not making clarifying amendments to the regulation; however, this was rejected because of the need to improve the clarity and consistency of the regulation.

Federal Standards:

There are federal standards governing the labeling and performance requirements of ultraviolet radiation devices specified in 21 CFR 1040.20. The proposed regulations do not conflict with or duplicate these requirements.

Compliance Schedule:

The proposed regulation will be effective upon publication of the Notice of Adoption in the New York State Register.

**Revised Regulatory Flexibility Analysis**

Effect of Rule:

There are approximately 644 tanning facilities in New York State, all of which will be affected by the proposed regulations. No tanning facilities are operated by local governments.

Compliance Requirements:

Chapter 194 of the Laws of 2018 amended PHL Article 35-A prohibiting children under 18 years old from using tanning facilities and changing the definition of Tanning Facility to include all facilities, whether or not a fee is charged, directly or indirectly. The regulatory amendments pertaining to the minimum age of patrons and applicability of the regulation conform with PHL Article 35-A. Additionally, the amendments require a larger warning sign to accommodate the required notification and enhance the consistency and clarity of the regulations.

Professional Services:

The proposed regulations do not impose any additional burden for professional services.

Compliance Costs:

The proposed amendments increase the biennial registration fee from thirty dollars to one hundred and twenty dollars and a biennial inspection fee from fifty to two hundred dollars per ultraviolet radiation device. The proposed amendments will impose costs, in terms of lost revenue, for those tanning facility operators who allowed seventeen-year-old patrons to use their tanning devices with parental or guardian consent, prior to the law change; however, not all tanning facilities allowed minors to tan prior to the PHL amendment, and the revenue loss for those that did is expected



to be minimal. There could also be an expense to tanning facilities that will now be required to comply with the regulation due to the law amendment which now defines a tanning facility as an establishment with ultra violet radiation devices for human beings whether or not a fee is charged; however, no such facilities are known to the State Health Department.

**Economic and Technological Feasibility:**

The proposal is technologically feasible because it requires the use of existing technology that facility operators already utilize to document the age of patrons.

**Minimizing Adverse Impact:**

The proposed amendments pertaining the minimum age of patrons and application of tanning facilities are dictated by PHL; therefore, the aforementioned costs associated with lost revenue for those tanning facility operators who allowed seventeen year old patrons to use their tanning devices with parental or guardian consent are necessary to follow this mandate. The proposed amendments to improve the clarity and consistency of the regulation have no associated costs. The Department will provide the larger warning signs, required under the proposed regulations, at no cost to the operators of tanning facilities.

**Small Business and Local Government Participation:**

The amendments pertaining the minimum age of patrons and the definition of tanning facilities are dictated by PHL; therefore, outreach to these entities was not conducted.

The amendments to improve the clarity and consistency of the regulation is, in part, based on questions by the operators of tanning facilities, and on questions received from local health departments on regulatory interpretation. These amendments will improve consistency in interpretation and implementation of the regulation.

The proposed regulations are published in the State Register to provide Small Business and Local Government a review and comment period, which is an opportunity for comment and to participate in the regulatory process. No regulated facilities commented on the proposed regulations.

**Revised Rural Area Flexibility Analysis**

**Types and Estimated Numbers of Rural Areas:**

There are approximately 644 regulated tanning facilities operating in New York State. Any of these facilities will be affected by the proposed rule. There are an estimated 249 tanning facilities operating in the 44 counties that have population less than 200,000. There are an additional 176 tanning facilities operating in the nine counties identified to have townships with a population density of 150 persons or less per square mile.

**Reporting, Recordkeeping and Other Compliance Requirements:**

The obligations imposed on Tanning Facilities in rural areas are no different from those imposed on facilities generally. Operators will be required to maintain complete Statement of Acknowledgement forms for each patron. Operators will be required to maintain records of each patron tanning visit, records of certain patron injuries and illnesses, records of annual timer tests for each timer, and records of equipment maintenance. Each record must be maintained for a minimum of two years. Operators will be required to obtain a biennial Tanning Facility Permit from the Permit Issuing Official.

The revised rule modifies the minimum age that individuals are allowed to use commercial ultraviolet (UV) indoor tanning devices. Public Health Law Article 35-A now prohibits the use of indoor tanning facilities by individuals less than 18 years of age. The laws previously prohibited children less than 17 years of age from using UV tanning devices and required those between 17 - 18 to obtain written parental consent. The revised rulemaking to Subpart 72-1 also clarifies existing language to improve understanding and consistent implementation.

**Professional Services:**

The proposed regulations do not impose any additional burden for professional services.

**Costs:**

The costs imposed on Tanning Facilities in rural areas are no different from those imposed on facilities in other locations. The proposed amendments increase the biennial registration fee from thirty dollars to one hundred and twenty dollars and a biennial inspection fee from fifty to two hundred dollars per ultraviolet radiation device. The proposed amendments will impose costs, in terms of lost revenue, for those tanning facility operators who allowed seventeen-year-old patrons to use their tanning devices with parental or guardian consent prior to the law change; however, not all tanning facilities allowed minors to tan prior to the PHL amendment, and the revenue loss for those that did is expected to be minimal. There could also be an expense to tanning facilities that will now be required to comply with the regulation due to the law amendment which now defines a tanning facility as an establishment with ultraviolet radiation devices for human beings whether or not a fee is charged; however, no such facilities are known to the State Health Department.

**Economic and Technological Feasibility:**

The proposal is technologically feasible because it requires the use of existing technology. The proposal is believed to be economically feasible because it imposed little or no cost to Tanning Facilities.

**Minimizing Adverse Impact:**

No alternatives were considered for the minimum patron age and tanning facility definition as mandated by Public Health Law Article 35-A. The proposed regulation meets the requirements established by the PHL and effectuate the provisions of the article as intended.

**Rural Area Participation:**

The proposed amendments pertaining the minimum age of patrons and the definition of tanning facilities are dictated by PHL; therefore, outreach to rural areas was not conducted.

The proposed amendments to improve the clarity and consistency of the regulation is, in part, based on questions by the operators of tanning facilities, and on questions received from local health departments on regulatory interpretation. These amendments will improve consistency in interpretation and implementation of the regulation.

The proposed regulations are published in the State Register to provide the public a review and comment period, which is an opportunity for comment and to participate in the regulatory process. No regulated facilities commented on the proposed regulations.

**Revised Job Impact Statement**

Changes made to the last published rule do not necessitate revision to the previously published JIS.

**Assessment of Public Comment**

The Department of Health (Department) received one comment regarding the proposed amendments to Subpart 72-1 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

The comment, from the New York State Association of County Health Officials (NYSACHO), supports the proposed regulations. The Department acknowledges this support.

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## Department of Labor

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### NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Labor publishes a new notice of proposed rule making in the *NYS Register*.

**NY State Public Employees Occupational Safety and Health Standards**

I.D. No.	Proposed	Expiration Date
LAB-46-19-00004-P	November 13, 2019	September 22, 2021

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## Public Service Commission

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

**Area Code Overlay As Relief of the Exhausting 516 Area Code (Long Island)**

**I.D. No.** PSC-41-21-00005-P

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

**Proposed Action:** The Commission is considering the petition of SomosGov, Inc., in its role as the North American Numbering Plan Administrator to add a new area code within the current 516 area code.

**Statutory authority:** Public Service Law, section 97(2)

**Subject:** Area code overlay as relief of the exhausting 516 area code (Long Island).

**Purpose:** To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.

**Substance of proposed rule:** The Public Service Commission is considering a petition filed on September 2, 2021, by SomosGov, Inc. (Somos), which Somos filed in the context of its role as the North American Numbering Plan Administrator. The petition requests approval to overlay a new telephone area code within Nassau County, New York, which is currently covered by the 516 area code. The petition seeks an effective date of the new area code in the first quarter of 2023.

In accordance with standard telephone industry guidelines, Somos bases

its petition on a forecasted projection showing that the current 516 area code will exhaust available numbers in the third quarter of 2023. Per the petition, all existing Nassau County wireline and wireless telephone customers in the overlay area would retain their current 516 area code and telephone numbers; i.e., the new area code would cover requests for new phone numbers. The implementation of a new overlay area code normally requires concurrent implementation of mandatory 10-digit dialing (the three-digit area code and seven-digit telephone number are required to complete a call) for all calls, whether local or long-distance. However, by the time the proposed Nassau County overlay area code becomes effective, customers in the 516-area code will already have transitioned to mandatory 10-digit dialing due to the national implementation of the "988" three-digit hotline to reach the National Suicide Prevention Lifeline occurring now. Therefore, the timeline to implement the proposed area code will be shorter than in other overlay implementations because certain customer education and industry technical milestones will not be needed. The petition seeks approval of the proposed area code overlay as relief for the forecasted exhaustion of the 516 area code.

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](http://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](mailto: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](mailto: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-C-0473SP1)

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

**Proposed Transfer of Ownership Interests and Debt Financing Arrangement Related to an Electric Generating Facility**

**I.D. No.** PSC-41-21-00006-P

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

**Proposed Action:** The Commission is considering a petition filed by Generation Bridge II, LLC and PSEG Power, LLC requesting authorization to transfer ownership interests in an electric generating facility and to issue debt financing.

**Statutory authority:** Public Service Law, sections 5, 64, 65, 66, 69 and 70  
**Subject:** Proposed transfer of ownership interests and debt financing arrangement related to an electric generating facility.

**Purpose:** To determine whether the proposed transfer of ownership interests and financing arrangement are in the public interest.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition, filed on September 14, 2021, by Generation Bridge II, LLC (GenBridge 2) and PSEG Power, LLC (PSEG) (collectively, the Petitioners) requesting (1) a declaratory ruling that no further review is required under Section 70 of the Public Service Law (PSL) regarding a proposed transaction by PSEG to transfer its upstream ownership interests in PSEG Power New York, LLC (PSEG Power NY), the direct owner of the Bethlehem Energy Center in Bethlehem, New York, to GenBridge 2, or in the alternative issuance of a Section 70 certificate approving the proposed transaction, and (2) lightened regulation under PSL § 69 regarding GenBridge2's proposed financing related to the transaction.

The Petitioners assert that the proposed transaction is an inter-corporate transfer of upstream ownership interests in a lightly regulated merchant entity, and therefore qualifies for the Commission's established presumption that no further review is warranted where the transfer does not present a potential to exercise market power or harm captive ratepayers. In the alternative, the Petitioners request approval of the proposed transaction, pursuant to PSL § 70, on the grounds that the proposed transaction is within the public interest.

According to the Petitioners, the indirect ownership of PSEG Power NY will not give GenBridge 2 the ability to exercise market power in any market and, therefore, the proposed transaction does not pose any market power concerns. The Petitioners point to various considerations to support this assertion, such as a quantitative analysis of the impacts of the proposed transaction, and similar ongoing transactions involving the Petitioners' affiliates, on market concentrations in New York and adjacent control areas. The Petitioners also aver that, following consummation of the proposed transaction, GenBridge 2 will have the financial and operational wherewithal to efficiently operate the Bethlehem Energy Center. The Petitioners request that the Commission reaffirm that, post-transaction, the direct owner of the Bethlehem Energy Center will remain subject to lightened regulation.

In addition, GenBridge 2 requests that the Commission apply its lightened regulation standard to review its proposed financing and issue an order authorizing such financing under PSL § 69. GenBridge 2 seeks authorization to issue total debt up to \$455 million, utilizing in part the Bethlehem Energy Center to secure the indebtedness, to fund the acquisition from PSEG, pay certain transaction expenses, and support the working capital needs of the business after closing of the transaction. GenBridge 2 requests flexibility to modify its financing entities, payment terms, and the amount of indebtedness, subject to a cap. The Petitioners also seek Commission consent for PSEG to assign its obligations under an existing guaranty for post-retirement plant decommissioning costs to GenBridge 2, and the Commission's release of PSEG from that guaranty.

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](http://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](mailto: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](mailto: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-0485SP1)

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

**Waiver of Certain Commission Requirements Related to the Distribution of Telephone Directories**

**I.D. No.** PSC-41-21-00007-P

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

**Proposed Action:** The Commission is considering a petition filed by Middleburgh Telephone Company (Middleburgh) for a waiver of 16 NYCRR 602.10(b), pertaining to the distribution of telephone directories.

**Statutory authority:** Public Service Law, section 94(2)

**Subject:** Waiver of certain Commission requirements related to the distribution of telephone directories.

**Purpose:** To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.

**Substance of proposed rule:** The Commission is considering a petition, filed by Middleburgh Telephone Company (Middleburgh) on September 16, 2021, for a waiver of New York Code of Rules and Regulations, Title 16, Section 602.10(b), pertaining to the distribution of telephone directories. In accordance with this rule, Middleburgh annually publishes and delivers to all customers a printed directory of residential and business white page listings along with yellow page listings.

Middleburgh requests authorization to discontinue the blanket distribution of "hard copy" directories to all customers, citing the same relief requested by and granted to Verizon New York, Frontier Communications, Nicholville Telephone Company, State Telephone Company and Patersonville Telephone Company in Case Nos. 16-C-0186, 17-C-0013, 20-

C-0127, 20-C-0281 and 21-C-0054, respectively. If granted, the waiver requested in this petition would allow Middleburgh to make residential, business, and yellow page directory listings available to customers online at no charge, or in electronic or printed formats, upon request, at no charge. Middleburgh asserts that the waiver, if granted, will preserve and protect the environment while maintaining the availability of telephone listings at no charge to customers.

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](http://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](mailto: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](mailto: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-C-0492SP1)

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

**Waiver of the Prohibition on Service to Low-Income Customers by ESCOs**

**I.D. No.** PSC-41-21-00008-P

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

**Proposed Action:** The Commission is considering a petition filed on September 22, 2021 by New Wave Energy Corporation seeking an extension of the previously granted waiver of the prohibition on service to low-income customers by energy service companies.

**Statutory authority:** Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

**Subject:** Waiver of the prohibition on service to low-income customers by ESCOs.

**Purpose:** To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on September 22, 2021 by New Wave Energy Corporation (New Wave) seeking an extension of its waiver of the prohibition on service by energy service companies (ESCOs) to low-income customers (Petition). On December 16, 2016, the Commission directed a prohibition on ESCO service to low-income customers (Prohibition Order). The Prohibition Order provided that, if an ESCO can demonstrate that it is capable of providing a product to low-income customers that guarantees savings compared to what the customer would have otherwise paid as a full-service utility customer, it may seek a waiver of the Prohibition Order from the Commission.

On March 16, 2018, the Commission granted New Wave a waiver of the Prohibition Order, but stated that the waiver would only last for 24 months and that New Wave would need to petition for an extension. A second 24-month waiver was granted by the Commission on February 7, 2020. In the petition, New Wave asserts that it continues to provide a guaranteed savings product to all its low-income customers, and thus it continues to satisfy the requirements outlined in the Prohibition Order for the granting of a waiver.

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](http://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](mailto:john.pitucci@dps.ny.gov)

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

(12-M-0476SP39)

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

**Waiver of the Prohibition on Service to Low-Income Customers by ESCOs**

**I.D. No.** PSC-41-21-00009-P

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

**Proposed Action:** The Commission is considering a petition filed on September 23, 2021 by Zone One Energy, LLC seeking an extension of the previously granted waiver of the prohibition on service to low-income customers by energy service companies.

**Statutory authority:** Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

**Subject:** Waiver of the prohibition on service to low-income customers by ESCOs.

**Purpose:** To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on September 23, 2021 by Zone One Energy LLC (Zone One) seeking an extension of its waiver of the prohibition on service by energy service companies (ESCOs) to low-income customers (Petition). On December 16, 2016, the Commission directed a prohibition on ESCO service to low-income customers (Prohibition Order). The Prohibition Order provided that, if an ESCO can demonstrate that it is capable of providing a product to low-income customers that guarantees savings compared to what the customer would have otherwise paid as a full-service utility customer, it may seek a waiver of the Prohibition Order from the Commission.

On October 19, 2017, the Commission granted Zone One a waiver of the Prohibition Order, but stated that the waiver would only last for 24 months and that Zone One would need to petition for an extension. A second 24-month waiver was granted by the Commission on February 7, 2020. In the petition, Zone One asserts that it continues to provide a guaranteed savings product to all its low-income customers, and thus it continues to satisfy the requirements outlined in the Prohibition Order for the granting of a waiver.

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](http://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](mailto: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](mailto: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.

(12-M-0476SP38)

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

**Waiver of the Prohibition on Service to Low-Income Customers by ESCOs**

**I.D. No.** PSC-41-21-00010-P

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

**Proposed Action:** The Commission is considering a petition filed on September 21, 2021 by Ambit New York, LLC seeking an extension of the previously granted waiver of the prohibition on service to low-income customers by energy service companies.

**Statutory authority:** Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

**Subject:** Waiver of the prohibition on service to low-income customers by ESCOs.

**Purpose:** To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on September 21, 2021 by Ambit New York, LLC (Ambit) seeking an extension of its waiver of the prohibition on service by energy service companies (ESCOs) to low-income customers (Petition). On December 16, 2016, the Commission directed a prohibition on ESCO service to low-income customers (Prohibition Order). The Prohibition Order provided that, if an ESCO can demonstrate that it is capable of providing a product to low-income customers that guarantees savings compared to what the customer would have otherwise paid as a full-service utility customer, it may seek a waiver of the Prohibition Order from the Commission.

On September 15, 2017, the Commission granted Ambit a waiver of the Prohibition Order, but stated that the waiver would only last for 24 months and that Agway would need to petition for an extension. A second 24-month waiver was granted by the Commission on February 7, 2020. In the petition, Ambit asserts that it continues to provide a guaranteed savings product to all its customers, including low-income customers, and thus it continues to satisfy the requirements outlined in the Prohibition Order for the granting of a waiver.

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](http://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](mailto: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](mailto: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.

(12-M-0476SP37)

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

**Notice of Intent to Submeter Electricity and Request for Waiver of 16 NYCRR Section 96.5(k)(3)**

**I.D. No.** PSC-41-21-00011-P

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

**Proposed Action:** The Commission is considering the notice of intent of 2050 G.C., L.P. to submeter electricity at 2050 Grand Concourse, Bronx, New York and request for waiver of the requirement of an energy audit in 16 NYCRR section 96.5(k)(3).

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

**Subject:** Notice of intent to submeter electricity and request for waiver of 16 NYCRR section 96.5(k)(3).

**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 2050 G.C., L.P. on May 7, 2021, seeking authority to submeter electricity at a new market rate and income-based rental building located at 2050 Grand Concourse, Bronx, 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, 2050 G.C., L.P. 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 the design and construction of energy-efficient building envelopes, mechanical, lighting and power systems and therefore, an energy audit is not appropriate 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](http://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](mailto: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](mailto: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-0277SP1)

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## State University of New York

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### NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the State University of New York publishes a new notice of proposed rule making in the *NYS Register*.

**Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville**

I.D. No.	Proposed	Expiration Date
SUN-53-19-00005-P	December 31, 2019	September 22, 2021

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

I.D. No.	Proposed	Expiration Date
SUN-29-20-00004-EP	July 22, 2020	September 22, 2021

**Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees**

I.D. No.	Proposed	Expiration Date
SUN-29-20-00005-EP	July 22, 2020	September 22, 2021

## Susquehanna River Basin Commission

### INFORMATION NOTICE

#### 18 CFR Part 806 Review and Approval of Projects

**ACTION:** Final rule.

**SUMMARY:** This document contains rules that amend the regulations of the Susquehanna River Basin Commission (Commission) to update the requirements and standards for review of projects, amend the rules dealing with groundwater withdrawals, and revise the regulatory triggers related to grandfathered sources.

**DATES:** This rule is effective on October 1, 2021.

**ADDRESSES:** Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, Esq., General Counsel and Secretary, telephone: 717-238-0423, ext. 1312; fax: 717-238-2436; e-mail: joyler@srbc.net. Also, for further information, including a comment and response document, visit the Commission's website at <http://www.srbc.net>.

**SUPPLEMENTARY INFORMATION:** Notice of proposed rulemaking was published in the Federal Register on March 26, 2021; New York Register on April 14, 2021; Pennsylvania Bulletin on April 10, 2021; and Maryland Register on April 9, 2021. The Commission held two informational webinars explaining the proposed rulemaking on April 6 and April 14, 2021. The Commission convened a public hearing held by telephone on May 6, 2021. A written comment period was held open through May 17, 2021. Concurrent with the proposed rule, the Commission also released three draft groundwater related policies for public review and comment.

Three comments were received during the comment period. One commenter appreciated the Commission's proposal to eliminate some of the triggers for the loss of grandfathering under § 806.4(a)(2). The commenter offered amended language for § 806.4(a)(2)(ii) and (iii) for the Commission's consideration that would change the Commission's intent and would limit any review of a grandfathered source increasing its quantity to only the increased withdrawal amount and not to the entire withdrawal. This would be a substantial change of the Commission's current practice for the loss of grandfathering triggered by an increase in quantity from a grandfathered source. The Commission declines to make this change. The preamble to the proposed rule makes the Commission's intent for the regulations clear, and the regulations reflect that intent. This rulemaking is intended to change the Commission's overall policy regarding the number and scope of the triggers for losing grandfathering; however, it is not intended to provide a permanent exemption from eventual regulation of grandfathered sources or withdrawal quantities.

A second commenter commended the Commission for acting upon the need for regulatory clarification, simplification, and recalibration of project review based on the scale and quantity (potential impact) of the project. The commenter specifically appreciated the proposed changes regarding the consideration of small and medium capacity sources; the elimination of potential triggers for loss of grandfathered source status; the addition of the Alternative Hydrogeologic Evaluation (AHE) process; and the further development of the minor modification process. In addition, the commenter suggested that the Commission create a redefined docket appeal process under 18 CFR 808.2 and 808.3. This final aspect of the comment is outside the scope of the proposed rulemaking that was noticed and subjected to public comment. Therefore, the Commission cannot make any changes to these sections as a part of the final rule.

A third commenter expressed concerns about the addition of § 806.4(a)(3)(viii) and (ix) that would allow the diversion of drinking water or wastewater into or out of the basin without Commission approval for municipalities on the basin divide if the diversion occurs by or through a publicly or privately owned public water supplier or wastewater treatment works. The commenter opined that this change is not justified or supported by sufficient rationale. The Commission disagrees and declines to make the change requested. The regulation of into-basin diversions is focused on water quality coming into the Basin and the protection of the Basin's water resources. Drinking water quality and wastewater quality are regulated solely by partner agencies and the Commission does not have water quality standards, in an effort to not duplicate partner agency regulatory authorities. The final regulation simply exempts, from Commission review, the movement across Basin boundaries of treated public water or wastewater that has been managed

for water quality concerns by partner agencies. The final regulation does not pose any new threats or exacerbate existing threats to the quality of the Basin's water resources. Withdrawals that supply out-of-basin diversions by communities straddling the Basin divide will still be subject to the Commission's review and application of its standards. Those standards, as for all withdrawals, are at 18 CFR 806.23 and are equivalent to, if not broader, than those in § 806.24. Thus, the concerns raised in the comment are addressed by the Commission's review standards to the withdrawal that supports the diversion.

List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission amends 18 CFR part 806 as follows:

#### PART 806—REVIEW AND APPROVAL OF PROJECTS

1. The authority citation for part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

2. In § 806.3:

- a. Add in alphabetical order a definition for "Captured stormwater";
- b. Remove the definition of "Hydrocarbon water storage facility"; and
- c. Add in alphabetical order definitions for "Medium capacity source" and "Small capacity source".

The additions read as follows:

#### § 806.3 Definitions.

\* \* \* \* \*

Captured stormwater. Precipitation or stormwater collected on the drilling pad site, including well cellar water, waters from secondary containment, and water collected from post construction stormwater management features.

\* \* \* \* \*

Medium capacity source. A ground or surface water source with a withdrawal of more than 20,000 but less than 100,000 gallons per day over a consecutive 30 day-average.

\* \* \* \* \*

Small capacity source. A ground or surface water source with a withdrawal of 20,000 gallons or less per day over a consecutive 30-day average.

\* \* \* \* \*

3. Revise § 806.4 to read as follows:

#### § 806.4 Projects requiring review and approval.

(a) Except for activities relating to site evaluation, to aquifer testing under § 806.12 or to those activities authorized under § 806.34, no person shall undertake any of the following projects without prior review and approval by the Commission. The project sponsor shall submit an application in accordance with subpart B of this part and shall be subject to the applicable standards in subpart C of this part.

(1) Consumptive use of water. Any consumptive use project described in this paragraph (a)(1) shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in § 806.22, and, to the extent that it involves a withdrawal from groundwater or surface water except a small capacity source, shall also be subject to the standards set forth in § 806.23 as the Commission deems necessary. Except to the extent that they involve the diversion of the waters of the basin, public water supplies shall be exempt from the requirements of this section regarding consumptive use; provided, however, that nothing in this section shall be construed to exempt individual consumptive users connected to any such public water supply from the requirements of this section. Provided the commission determines that low flow augmentation projects sponsored by the commission's member states provide sufficient mitigation for agricultural water use to meet the standards set forth in § 806.22, and except as otherwise provided in this paragraph (a)(1), agricultural water use projects shall not be subject to the requirements of this paragraph (a)(1). Notwithstanding the foregoing, an agricultural water use project involving a diversion of the waters of the basin shall be subject to such requirements unless the property, or contiguous parcels of property, upon which the agricultural water use project occurs is located at least partially within the basin.

(i) Any project initiated on or after January 23, 1971, involving a consumptive water use of an average of 20,000 gallons per day (gpd) or more in any consecutive 30-day period.

(ii) With respect to projects previously approved by the Commission for consumptive use, any project that will involve an increase in a consumptive use above that amount which was previously approved.

(iii) With respect to projects with pre-compact consumptive use:

(A) Registered in accordance with subpart E of this part that

increases its consumptive use by any amount over the quantity determined under § 806.44;

(B) Increasing its consumptive use to an average of 20,000 gpd or more in any consecutive 30-day period; or

(C) That failed to register its consumptive use in accordance with subpart E of this part.

(iv) Any project, regardless of when initiated, involving a consumptive use of an average of 20,000 gpd or more in any consecutive 30-day period, and undergoing a change of ownership, unless such project satisfies the requirements of paragraph (b) of this section or the existing Commission approval for such project is transferred pursuant to § 806.6.

(2) Withdrawals. Any project, including all of its sources, described in this paragraph (a)(2) shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in §§ 806.21 and 806.23. Hydroelectric projects, except to the extent that such projects involve a withdrawal, shall be exempt from the requirements of this section regarding withdrawals; provided, however, that nothing in this paragraph (a)(2) shall be construed as exempting hydroelectric projects from review and approval under any other category of project requiring review and approval as set forth in this section, § 806.5, or 18 CFR part 801.

(i) Any project initiated on or after July 13, 1978 for groundwater or November 11, 1995 for surface water withdrawing a consecutive 30-day average of 100,000 gpd or more from a groundwater or surface water source, or any project initiated after January 1, 2007 withdrawing a consecutive 30-day average of 100,000 gpd or more from a combination of sources.

(ii) Any new source added to projects with previously approved withdrawals by the Commission.

(iii) Any withdrawal increased above that amount which was previously approved by the Commission.

(iv) With respect to projects with grandfathered withdrawals:

(A) Registered in accordance with subpart E of this part that increases its withdrawal by any amount over the quantity determined under § 806.44;

(B) Increasing its withdrawal individually or in combination from all sources to an average of 100,000 gpd or more in any consecutive 30-day period; or

(C) That failed to register its withdrawals in accordance with subpart E of this part.

(v) Any project, regardless of when initiated, involving a withdrawal of a consecutive 30-day average of 100,000 gpd or more, from either groundwater or surface water sources, or in combination from both, and undergoing a change of ownership, unless such project satisfies the requirements of paragraph (b) of this section or the existing Commission approval for such project is transferred pursuant to § 806.6.

(3) Diversions. Except with respect to agricultural water use projects not subject to the requirements of paragraph (a)(1) of this section, the projects described in paragraphs (a)(3)(i) through (iv) of this section shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in § 806.24. The project sponsors of out-of-basin diversions shall also comply with all applicable requirements of this part relating to consumptive uses and withdrawals. The projects identified in paragraphs (a)(3)(v) and (vi) of this section shall be subject to regulation pursuant to § 806.22(f).

(i) Any project initiated on or after January 23, 1971, involving the diversion of water into the basin by any amount, or involving a diversion of water out of the basin of an average of 20,000 gallons of water per day or more in any consecutive 30-day period.

(ii) With respect to diversions previously approved by the Commission, any project that will increase a diversion above the amount previously approved.

(iii) With respect to diversions initiated prior to January 23, 1971, any project that will increase a diversion into the basin by any amount, or increase the diversion of water out of the basin by any amount.

(iv) Any project, regardless of when initiated, involving the diversion of water into the basin by any amount or involving a diversion of water out of the basin by an average of 20,000 gallons of water per day or more in any consecutive 30-day period, and undergoing a change of ownership, unless such project satisfies the requirements of paragraph (b) of this section or the Commission approval for such project is transferred pursuant to § 806.6.

(v) The interbasin diversion of any flowback or production fluids, tophole water and captured stormwater from hydrocarbon development projects from one drilling pad site to another drilling pad site for use in hydrofracture stimulation, provided it is handled, transported and stored in compliance with all standards and requirements of the applicable

member jurisdiction, shall not be subject to separate review and approval as a diversion under this paragraph if the generating or receiving pad site is subject to an Approval by Rule issued pursuant to § 806.22(f) and provided all monitoring and reporting requirements applicable to such approval are met.

(vi) The diversion of flowback or production fluids, tophole water and captured stormwater from a hydrocarbon development project for which an Approval by Rule has been issued pursuant to § 806.22(f), to an out-of-basin treatment or disposal facility authorized under separate governmental approval to accept flowback or production fluids, shall not be subject to separate review and approval as a diversion under this paragraph, provided all monitoring and reporting requirements applicable to the Approval by Rule are met and it is handled, transported and stored in compliance with all standards and requirements of the applicable member jurisdiction.

(vii) The diversion of any flowback or production fluids, tophole water and captured stormwater from hydrocarbon development projects located outside the basin to an in-basin treatment or disposal facility authorized under separate government approval to accept flowback or production fluids, shall not be subject to separate review and approval as a diversion under this paragraph (a)(3), provided the fluids are handled, transported and stored in compliance with all standards and requirements of the applicable member jurisdiction.

(viii) The diversion of drinking water and/or municipal wastewater out of the basin to a municipality on or straddling the basin divide if provided by or through a publicly or privately owned entity and regulated by the appropriate agency of the member jurisdiction shall not be subject to review and approval as a diversion under this paragraph (a)(3) of this section or as a consumptive use under paragraph (a)(1) of this section.

(ix) The diversion of drinking water and/or municipal wastewater into the basin to a municipality if provided by or through a publicly or privately owned entity and regulated by the appropriate agency of the member jurisdiction shall not be subject to review and approval as a diversion under this paragraph (a)(3).

(4) Crossing state boundaries. Any project on or crossing the boundary between two member states.

(5) Significant effect. Any project in a member state having a significant effect on water resources in another member state.

(6) Comprehensive plan. Any project which has been or is required to be included by the Commission in its comprehensive plan, or will have a significant effect upon the comprehensive plan.

(7) Determination. Any other project so determined by the commissioners or Executive Director pursuant to § 806.5 or 18 CFR part 801. Such project sponsors shall be notified in writing by the Executive Director.

(8) Natural gas. Any unconventional natural gas development project in the basin involving a withdrawal, diversion or consumptive use, regardless of the quantity.

(9) General permit. Any project subject to coverage under a general permit issued under § 806.17.

(b) Any project that did not require Commission approval prior to January 1, 2007, and undergoing a change of ownership, shall be exempt from the requirements of paragraph (a)(1)(iv), (a)(2)(v), or (a)(3)(iv) of this section if it is a:

(1) Transfer of a project to the transferor's spouse or one or more lineal descendants, or any spouse of such lineal descendants, or to a corporation owned or controlled by the transferor, or the transferor's spouse or lineal descendants, or any spouse of such lineal descendants, for so long as the combined ownership interest of the transferor, the transferor's spouse and/or the transferor's lineal descendant(s) and their spouses, continues to be 51 percent or greater; or

(2) Transfer of land used primarily for the raising of food, fiber or forage crops, trees, flowers, shrubs, turf products, livestock, or poultry, or for aquaculture, to the extent that, and for so long as, the project's water use continues to be for such agricultural water use purposes.

4. Amend § 806.6 by revising paragraphs (a)(5) and (b) and by adding paragraph (d) to read as follows:

§ 806.6 Transfer of approvals.

(a) \* \* \*

(5) If the existing project has an unapproved withdrawal, consumptive use and/or diversion listed in paragraph (b) of this section, the transfer shall be conditioned to require the submission of a new application for review and approval of the unapproved withdrawal, consumptive use and/or diversion consistent with §§ 806.4 and 806.14 and paragraph (d) of this section.

\* \* \* \* \*

(b) Previously unapproved activities associated with a project subject to transfer under paragraph (a) of this section include:

(1) The project has an associated pre-compact consumptive water use that has not had mitigation approved by the Commission.

(2) The project has an associated diversion that was initiated prior to January 23, 1971.

(3) Projects registered under subpart E of this part.

\*\*\*\*\*

(d) Any unapproved activities associated with a transferred project shall be subject to the following:

(1) The transfer approval shall be conditioned to include monitoring requirements under § 806.30 for all previously unapproved sources and activities.

(2) The transfer approval may include any other conditions consistent with this part deemed necessary by the Executive Director.

(3) The approved transfer will act as the unapproved activity's temporary approval for a period of five years, at which point, the project sponsor shall submit an application for review and approval consistent with subpart B of this part.

(4) The Executive Director may require hydrogeologic evaluation under § 806.12 and/or formal review and approval of any of the previously unapproved sources sooner if those sources show a substantial likelihood of environmental harm, interference with other water users or water availability issues.

5. Revise § 806.12 to read as follows:

§ 806.12 Hydrogeologic evaluation.

Evaluation of groundwater withdrawal projects requires a hydrogeologic evaluation, which may be an aquifer test in accordance with an approved plan or an alternative hydrogeologic evaluation in conformance with this section.

(a) Prior to submission of an application pursuant to § 806.13, a project sponsor seeking approval for a new groundwater withdrawal, a renewal of an expiring groundwater withdrawal, or an increase of a groundwater withdrawal shall perform an aquifer test.

(b) Unless an alternative hydrogeologic evaluation method is approved, the project sponsor shall prepare an aquifer test plan for prior review and approval by Commission staff before testing is undertaken. Such plan shall include a groundwater availability analysis to determine the availability of water during a 1-in-10-year recurrence interval.

(c) Unless otherwise specified, approval of a test plan is valid for two years from the date of approval.

(d) Approval of a test plan shall not be construed to limit the authority of the Commission to require additional testing or monitoring.

(e) The project sponsor may be required, at its expense, to provide temporary water supply if an aquifer test results in interference with an existing water use.

(f) Review of submittals under this section may be terminated by the Commission in accordance with the procedures set forth in § 806.16.

(g) This section does not apply to withdrawals related to mine dewatering, water resources remediation or AMD facilities, provided the activity is governed by another regulatory agency.

(h) Sources undergoing renewal that can provide an interpretative hydrogeologic report that documents the results of a Commission approved aquifer test or documentation of an approved prior waiver by the Commission may meet the requirements of this section for that previously approved groundwater source.

(i) In lieu of completing a Commission-approved aquifer test, the project sponsor may submit an Alternative Hydrogeologic Evaluation (AHE) that provides supporting information equivalent to that which would be obtained from completing an approved aquifer test under paragraph (a) of this section. This supporting information includes, but is not limited to, prior aquifer testing data, the withdrawal setting and location, existing site specific operational data, and prior Commission approved waivers of aquifer testing requirements. Commission staff may approve an AHE for a project or require completion of a Commission approved aquifer test in accordance with paragraph (a) of this section.

(j) This section does not apply to withdrawals from a small capacity source, unless otherwise determined by the Executive Director.

6. Amend § 806.14 by:

a. Revising paragraphs (a)(2) and (3), (b)(1) and (2), and (c)(2), (3), and (5);

b. Adding paragraphs (c)(10) and (11); and

c. Revising paragraph (d).

The revisions and additions read as follows:

§ 806.14 Contents of application.

(a) \*\*\*

(2) Project location, including latitude and longitude coordinates in decimal degrees accurate to within 10 meters, the project location displayed on a map, and evidence of legal access to the property upon which the project is proposed.

(3) Project description, including: purpose, proposed quantity to be withdrawn or consumed, if applicable, and description of all sources, consumptive uses and diversions related to the project.

\*\*\*\*\*

(b) \*\*\*

(1) Surface water. (i) Water use and availability.

(ii) Project setting, including surface water characteristics, identification of wetlands, and site development considerations.

(iii) Description and design of intake structure.

(iv) Anticipated impact of the proposed project on local flood risk, recreational uses, fish and wildlife and natural environment features.

(v) For new projects and major modifications to increase a withdrawal, alternatives analysis for a withdrawal proposed in settings with a drainage area of 50 miles square or less, or in a water with exceptional water quality, or as required by the Commission.

(2) Groundwater. (i) With the exception other projects which are addressed in paragraph (b)(6) of this section, the project sponsor shall demonstrate that requirements of § 806.12 have been met by providing one of the following:

(A) An interpretive report that includes the results of a Commission approved aquifer test and an updated groundwater availability estimate if changed from the aquifer test plan,

(B) An approved AHE,

(C) A prior determination by the Commission staff under § 806.12(h) that the intent and requirements of § 806.12 have been met along with an updated groundwater availability estimate.

(ii) Water use and availability.

(iii) Project setting, including nearby surface water features.

(iv) Groundwater elevation monitoring plan for all production wells.

(v) Alternatives analysis as required by the Commission.

\*\*\*\*\*

(c) \*\*\*

(2) Project location, including latitude and longitude coordinates in decimal degrees accurate to within 10 meters, the project location displayed on map, and evidence of legal access to the property upon which the project is located.

(3) Project description, to include, but not be limited to: purpose, proposed quantity to be withdrawn or consumed if applicable, description of all sources, consumptive uses and diversions related to the project and any proposed project modifications.

\*\*\*\*\*

(5) An as-built and approved metering plan that conforms to § 806.30.

\*\*\*\*\*

(10) Changes to the facility design.

(11) Any proposed changes to the previously authorized purpose.

(d) Additional information is required for the following applications for renewal of expiring approved projects.

(1) Surface water. (i) Description and as-built of intake structure.

(ii) For renewals seeking to increase a withdrawal, alternatives analysis for a withdrawal proposed in settings with a drainage area of 50 miles square or less, or in a waterway with exceptional water quality, or as required by the Commission.

(2) Groundwater. (i) The project sponsor shall demonstrate that requirements of § 806.12 have been met by providing one of the following:

(A) Provide an interpretive report that includes the results of a Commission approved aquifer test and an updated GW availability estimate if changed from the aquifer test plan;

(B) An approved AHE; or

(C) A prior determination by the Commission staff under § 806.12(h) that the intent and requirements of § 806.12 have been met.

(ii) An interpretative report providing analysis and comparison of current and historic water withdrawal and groundwater elevation data with previously completed materials to demonstrate satisfaction of § 806.12, which may include a hydrogeologic report from previous aquifer testing, an approved AHE or prior determination of waiver of aquifer testing.

(iii) Current groundwater availability analysis assessing the availability of water during a 1-in-10 year drought recurrence interval under the existing conditions within the recharge area and predicted for term of renewal (i.e., other users, discharges, and land development within the groundwater recharge area).

(iv) Groundwater elevation monitoring plan for all production wells.

- (v) Alternatives analysis as required by the Commission.
- (3) Consumptive use. (i) Consumptive use calculations.
- (ii) Mitigation plan, including method of consumptive use mitigation.
- (4) Into basin diversion. (i) Provide the necessary information to demonstrate that the project will continue to meet the standards in § 806.24(c).
- (ii) Identification of the source and current water quality characteristics of the water to be diverted.
- (5) Out of basin diversion. (i) Provide the necessary information to demonstrate that the project will continue to meet the standards in § 806.24(b).
- (6) Other projects. Other projects, including without limitation, mine dewatering, water resources remediation projects, and AMD facilities that qualify as a withdrawal.
  - (i) In lieu of a hydrogeologic evaluation, a copy of approved report(s) prepared for any other purpose or as required by other governmental regulatory agencies that provides a demonstration of the hydrogeologic and/or hydrologic effects and limits of said effects due to operation of the project and effects on local water availability.
  - (ii) Any data or reports that demonstrate effects of the project are consistent with those reports provided in paragraph (d)(6)(i) of this section.
  - (iii) Demonstration of continued need for expiring approved water source and quantity.

\*\*\*\*\*  
 7. Revise § 806.15 to read as follows:  
 § 806.15 Notice of application.

(a) Except with respect to paragraphs (e), (f), and (g) of this section, any project sponsor submitting an application to the Commission shall provide notice thereof to the appropriate agency of the member State, each municipality in which the project is located, and the county and the appropriate county agencies in which the project is located. The project sponsor shall also publish notice of submission of the application at least once in a newspaper of general circulation serving the area in which the project is located. The project sponsor shall also meet any of the notice requirements set forth in paragraphs (b) through (d) of this section, if applicable. All notices required under this section shall be provided or published no later than 20 days after submission of the application to the Commission and shall be in a form and manner as prescribed by the Commission.

(b) For withdrawal applications submitted pursuant to § 806.4(a)(2) for new projects, major modifications, and renewals requesting an increase, the project sponsor shall also provide the notice required under paragraph (a) of this section to each property owner listed on the tax assessment rolls of the county in which such property is located and identified as follows:

- (1) For groundwater withdrawal applications, the owner of any property that is located within a one-quarter mile radius of the proposed withdrawal location.
- (2) For surface water withdrawal applications, the owner of any property that is riparian or littoral to the body of water from which the proposed withdrawal will be taken and is within a one-half mile radius of the proposed withdrawal location.
- (3) For groundwater withdrawal applications, the Commission or Executive Director may allow notification of property owners through alternate methods where the property of such property owner is served by a public water supply.

(c) For projects involving a diversion of water out of the basin, the project sponsor shall also publish a notice of the submission of its application at least once in a newspaper of general circulation serving the area outside the basin where the project proposing to use the diverted water is located. For projects involving a diversion of water into the basin, the project sponsor shall also publish a notice of the submission of its application at least once in a newspaper of general circulation serving the area outside the basin where the withdrawal of water proposed for diversion is located.

(d) The project sponsor shall provide the Commission with a copy of the United States Postal Service return receipt or the verified return receipt from a comparable delivery service for the notifications to agencies of member States, municipalities, counties and appropriate county agencies required under this section. The project sponsor shall also provide certification on a form provided by the Commission that it has published the newspaper notice(s) required by this section and made the landowner notifications as required under paragraph (b) of this section, if applicable. The project sponsor shall maintain all proofs of publication and records of notices sent under this section for the duration of the approval related to such notices.

(e) For Notices of Intent (NOI) seeking coverage under a general permit, the project sponsor shall provide notice of the NOI to the appropriate agency of the member State and each municipality and county and appropriate county agencies in which the project is located and any additional notice identified in the general permit.

(f) For applications for minor modifications and approvals by rule under § 806.22(e), the project sponsor shall provide notice of the application to the appropriate agency of the member State and each municipality and county and appropriate county agencies in which the project is located.

(g) For NOIs seeking an approval pursuant to § 806.22(f), the project sponsor shall provide notice of the application to the appropriate agency of the member State, each municipality, county and appropriate county agencies, and the owner of the property on or in which the drilling pad site is located. For requests for approval submitted under § 806.22(f)(13), the project sponsor shall provide notice of the application to the appropriate agency of the member State, each municipality, county and appropriate county agencies in which the public water supply is located.

8. Amend § 806.18 by revising paragraph (c) to read as follows:  
 § 806.18 Approval modifications.  
 \*\*\*\*\*

- (c) Minor modifications. The following are minor modifications:
  - (1) Correction of typographical or other errors;
  - (2) Changes to monitoring or metering conditions;
  - (3) Addition, amendment or removal of sources of water for consumptive use or project descriptions;
  - (4) Changes to the authorized water uses;
  - (5) Changes to conditions setting a schedule for developing, implementing, and/or reporting on monitoring, data collection and analyses;
  - (6) Changes to the design and minor changes to the location of intakes;
  - (7) Increases to total system limits that were established based on the projected demand of the project; and
  - (8) Modifications of extraction well network used for groundwater remediation systems.
  - (9) Adjustments to a term of an approval to align the approval with a member jurisdiction approval or another docket approval by the Commission.
  - (10) Changes to the method of consumptive use mitigation to payment of the mitigation fee, providing for discontinuance, use of storage or an adequate conservation release in accordance with a previous Commission determination.
  - (11) Addition of stormwater as a source of consumptive use, including an increase to the total consumptive use related to the stormwater use.
  - (12) Extension of the date of commencement of a withdrawal, diversion or consumptive use established under § 806.31(b).

\*\*\*\*\*  
 9. Amend § 806.22 by revising paragraphs (e)(6) and (8) and (f)(4) and (11) through (13), and removing and reserving paragraph (f)(14).  
 The revisions read as follows:  
 § 806.22 Standards for consumptive use of water.  
 \*\*\*\*\*  
 (e) \*\*\*\*\*

(6) Mitigation. The project sponsor shall comply with mitigation in accordance with paragraph (b)(1)(iii) or (b)(2) or (3) of this section.  
 \*\*\*\*\*

(8) Decision. The Executive Director may grant, deny, suspend, revoke, modify or condition an approval to operate under this approval by rule, or renew an existing approval by rule previously granted hereunder, and will notify the project sponsor of such determination, including the quantity of consumptive use approved. Use of small capacity sources or sources used only for supply of potable water may be appropriately included as a part of this approval by rule in the discretion of the Executive Director.  
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(f) \*\*\*\*\*  
 (4) The project sponsor shall comply with metering, daily use monitoring and quarterly reporting as specified in § 806.30, or as otherwise required by the approval by rule. The project sponsor shall submit a post-hydrofracture report in a form and manner as prescribed by the Commission.  
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(11) In addition to water sources approved for use by the project sponsor pursuant to § 806.4 or this section, for unconventional natural gas



development or hydrocarbon development, whichever is applicable, a project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may utilize any of the following water sources at the drilling pad site, subject to such monitoring and reporting requirements as the Commission may prescribe:

(i) Tophole water encountered during the drilling process, provided it is used only for drilling or hydrofracture stimulation.

(ii) Captured stormwater, provided it is used only for drilling or hydrofracture stimulation.

(iii) Drilling fluids, formation fluids, flowback or production fluids obtained from a drilling pad site, production well site or hydrocarbon water storage facility, provided it is used only for hydrofracture stimulation, and is handled, transported and stored in compliance with all standards and requirements of the applicable member jurisdiction.

(12) A project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may utilize a source of water, except a public water supply, approved by the Commission pursuant to § 806.4(a) and issued to persons other than the project sponsor, provided any such source is approved for use in unconventional natural gas development, or hydrocarbon development, whichever is applicable, the project sponsor has an agreement for its use and the project sponsor registers such source with the Commission on a form and in the manner prescribed by the Commission. Use of the registered source shall not commence until the Commission acknowledges in writing that the registration is proper and complete.

(13) A project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may also utilize other sources of water, including but not limited to, water withdrawals or wastewater discharge not otherwise associated with an approval issued by the Commission pursuant to § 806.4(a), public water supplies, or another approval by rule issued pursuant to paragraph (f)(9) of this section, provided such sources are first approved by the Executive Director. Any request for approval shall be submitted on a form and in the manner prescribed by the Commission, shall satisfy the notice requirements set forth in § 806.15, and shall be subject to review pursuant to the standards set forth in subpart C of this part.

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10. Amend § 806.23 by revising the paragraph (b) subject heading and paragraph (b)(4) and adding paragraphs (b)(6) and (7) to read as follows:

§ 806.23 Standards for water withdrawals.

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(b) Limitations on and considerations for withdrawals.

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(4) The Commission may require the project sponsor to undertake the following, to ensure its ability to meet its present or reasonably foreseeable water needs from available groundwater or surface water without limitation:

(i) Investigate additional sources, interconnections or storage options to meet the demand of the project.

(ii) Submit a water resource development plan that shall include, without limitation, sufficient data to address any supply deficiencies, identify alternative water supply options, including interconnections, and support existing and proposed future withdrawals.

\*\*\*\*\*

(6) Notwithstanding this paragraph, existing withdrawals that successfully complete the process in § 806.12(h) and (i) shall satisfy the standards in paragraph (b)(2) of this section. Further, evaluation of the withdrawal shall include reasonably foreseeable need and the need for total system limits, compliance with § 806.21, and any changes to the project or project location and setting.

(i) Approval of withdrawal limits on existing sources will not be set above the amount supported by the existing historical and current operating data or otherwise supported by the evaluation under § 806.12, and may be set at a different rate if supported by the evaluation required in this paragraph.

(ii) Any approvals shall include metering and measurement of parameters consistent with § 806.30, and may include conditions requiring monitoring of surface water features or other withdrawal sources.

(iii) If any reported metering or monitoring data or other information show a significant adverse impact to any consideration in paragraph (b)(2) of this section, the Commission may take actions necessary to eliminate the significant adverse impact, including but not limited to requiring the project to undertake more data collection and analysis, aquifer testing and/or conditioning the docket approval.

(7) Notwithstanding this paragraph, small capacity sources shall be subject to any withdrawal limit, including total system limit, set by the Commission and shall include metering and measurement of parameters consistent with § 806.30.

11. Amend § 806.34 by revising paragraph (c)(2) to read as follows:  
§ 806.34 Emergencies.

\*\*\*\*\*

(c) \*\*\*\*\*

(2) With the concurrence of the chairperson of the Commission and the commissioner from the affected member state, issue an emergency certificate for a term not to extend beyond the next regular business meeting of the Commission where the extension of the certificate may be included in the notice for the next regularly scheduled public hearing for that business meeting.

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Dated: September 20, 2021.

Jason E. Oyler

General Counsel and Secretary to the Commission

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## Department of Taxation and Finance

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

#### New York State and City of Yonkers Withholding Tables and Other Methods

I.D. No. TAF-41-21-00003-P

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

**Proposed Action:** Repeal of Appendixes 10, 10-A; addition of new Appendixes 10, 10-A; amendment of sections 171.4 and 251.1 of Title 20 NYCRR.

**Statutory authority:** Tax Law, sections 171, subdivision first, 671(a)(1), 697(a), 1321(a), 1329(a), 1332(a); Code of the City of Yonkers, sections 15-105, 15-108, 15-111; L. 2016, ch. 60, part TT; L. 2021, ch. 59, part A

**Subject:** New York State and City of Yonkers withholding tables and other methods.

**Purpose:** To provide current New York State and City of Yonkers withholding tables and other methods.

**Substance of proposed rule (Full text is posted at the following State website: <https://www.tax.ny.gov>):** Tax Law sections 671(a)(1) and 1329(a), and section 15-105 of the Code of the City of Yonkers mandate that employers withhold from employee wages amounts that are substantially equivalent to the amount of New York State and City of Yonkers personal income tax on residents reasonably estimated to be due for the taxable year. The provisions authorize the Commissioner of Taxation and Finance to provide for withholding of these taxes through regulations promulgated by the Commissioner.

This rule repeals and adds new Appendixes 10 and 10-A of Title 20 NYCRR, the New York State and City of Yonkers withholding tables and other methods, respectively. The amendments to Appendixes 10 and 10-A reflect the incremental decrease in New York State personal income tax effected by Part TT of Chapter 60 of the Laws of 2016, beginning in tax year 2018. The new withholding tables and other methods also reflect the temporary expansion of the top brackets and rates of New York State personal income tax effected by Part A of Chapter 59 of the Laws of 2021 and provide a third withholding method to better accommodate the new brackets and rates. Changes to the City of Yonkers withholding tables and other methods were necessary because the City of Yonkers income tax surcharge is a specified percentage of New York State tax. The rule also updates 20 NYCRR sections 171.4 and 251.1, relating to withholding for supplemental wages, to reflect the new brackets and rates and the additional withholding method.

The rule applies to wages and other compensation subject to withholding paid on or after January 1, 2022.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kathleen Chase, Tax Regulation Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: [kathleen.chase@tax.ny.gov](mailto:kathleen.chase@tax.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:** Tax Law, section 171, subdivision First, generally authorizes the Commissioner of Taxation and Finance to promulgate regulations; section 671(a)(1) provides that the method of determining the amounts of New York State personal income tax to be withheld will be prescribed by regulations promulgated by the Commissioner; section 697(a) provides the authority for the Commissioner to make such rules and regulations as are necessary to enforce the personal income tax; Tax Law section 1329(a) and section 15-105 of the Code of the City of Yonkers provide that the City of Yonkers income tax surcharge shall be withheld in the same manner and form as that required for State income tax; Tax Law section 1332(a) and section 15-108(a) of the Code of the City of Yonkers provide that the income tax surcharge shall be administered and collected by the Commissioner in the same manner as the tax imposed by Article 22 of the Tax Law; Tax Law section 1321(a) authorizes the City of Yonkers to adopt and amend local laws imposing a city income tax surcharge to be administered, collected and distributed by the Commissioner; section 15-111 of the Code of the City of Yonkers provides that the City of Yonkers income tax surcharge shall be a specified percentage of net state tax. Part TT of Chapter 60 of the Laws of 2016 effects incremental decreases in the New York State personal income tax rates beginning in tax year 2018. Part A of Chapter 59 of the Laws of 2021 temporarily expands the top brackets and rates of personal income tax. Amendments to the withholding tax tables and methods for both New York State and the City of Yonkers were required to implement the statutory changes effected by Part TT and Part A.

2. **Legislative objectives:** The rule repeals and replaces Appendixes 10 and 10-A, the New York State and City of Yonkers withholding tables and other methods, respectively, to implement changes required by Part TT of Chapter 60 of the Laws of 2016 and Part A of Chapter 59 of the Laws of 2021. The rule implements revised New York State and City of Yonkers withholding tables and other methods to reflect the incremental decrease in New York State personal income tax rates effected by Part TT of Chapter 60, beginning in tax year 2018. The new withholding tables and other methods also reflect the temporary expansion of the top personal income tax brackets and rates effected by Part A of Chapter 59 of the Laws of 2021 and provide an additional withholding method to better accommodate the new brackets and rates. Revised City of Yonkers withholding tables and other methods are necessary because the City of Yonkers income tax surcharge is a specified percentage of New York State tax. The rule also updates 20 NYCRR sections 171.4 and 251.1 to reflect the new brackets and rates and the additional withholding method.

3. **Needs and benefits:** This rule sets forth adjustments to the New York State and City of Yonkers withholding tables and other methods, applicable to wages and other compensation paid on or after January 1, 2022, reflecting the changes in tax rates contained in Part TT of Chapter 60 of the Laws of 2016 and Part A of Chapter 59 of the Laws of 2021. This rule benefits taxpayers by providing New York State and City of Yonkers withholding tables and other methods that more accurately reflect the current income tax rates. If this rule is not promulgated, the use of the existing withholding tables would cause over-withholding or under-withholding for some taxpayers.

4. **Costs:**

(a) **Costs to regulated parties for the implementation and continuing compliance with this rule:** Since (i) the Tax Law and the Code of the City of Yonkers already mandate withholding in amounts that are substantially equivalent to the amounts of New York State and City of Yonkers personal income tax on residents reasonably estimated to be due for the taxable year, and (ii) this rule conforms Appendixes 10 and 10-A of Title 20 NYCRR to the rates of the New York State and City of Yonkers income tax, as necessitated by Chapter 60 of the Laws of 2016 and Chapter 59 of the Laws of 2021, any compliance costs to employers associated with implementing the revised withholding tables and other methods are due to statute, and not to this rule.

(b) **Costs to this agency, the State and local governments for the implementation and continuation of this rule:** Since the need to make amendments to Appendixes 10 and 10-A arises due to the statutory changes in the rates of the New York State personal income tax, which affect the City of Yonkers income tax surcharge because it is a percentage of New York State tax, there are no costs to this agency or the State and local governments that are due to the promulgation of this rule.

(c) **Information and methodology:** This analysis is based on a review of the statutory requirements and on discussions among personnel from the Department's Taxpayer Guidance Division, Office of Tax Policy Analysis and Office of Budget and Management Analysis.

5. **Local government mandates:** Local governments, as employers, would be required to implement the new withholding tables and other methods in the same manner and at the same time as any other employer.

6. **Paperwork:** This rule will not require any new forms or information. The reporting requirements for employers are not changed by this rule.

Employers will be notified of the amendments to the tables and other methods and directed to the Department's website for the updated tables and other methods.

7. **Duplication:** This rule does not duplicate any other requirements.

8. **Alternatives:** Since Tax Law sections 671(a) and 1329(a), section 15-105 of the Code of the City of Yonkers, Part TT of Chapter 60 of the Laws of 2016 and Part A of Chapter 59 of the Laws of 2021 require that withholding tables and other methods be promulgated, there are no viable alternatives to providing such tables and other methods.

9. **Federal standards:** This rule does not exceed any minimum standards of the federal government for the same or similar subject area.

10. **Compliance schedule:** The required information will be made available to affected employers in sufficient time to implement the revised New York State and City of Yonkers withholding tables and other methods for wages and other compensation paid on or after January 1, 2022.

**Regulatory Flexibility Analysis**

1. **Effect of rule:** Small businesses and local governments, within the meaning of the State Administrative Procedure Act, that are currently subject to the New York State and City of Yonkers withholding requirements will continue to be subject to these requirements. This rule, therefore, should have little or no effect on small businesses and local governments other than the requirement of conforming to the new withholding tables and other methods. All small businesses and local governments that are employers or are otherwise subject to the withholding requirements must comply with the provisions of this rule.

2. **Professional Services:**

Further, many employers currently utilize bookkeepers, accountants, and professional payroll services to comply with existing withholding requirements. This rule will not encourage or discourage the use of any such services.

3. **Compliance requirements:** This rule requires small businesses and local governments that are already subject to the New York State and City of Yonkers withholding requirements to continue to deduct and withhold amounts from employees using the revised withholding tables and other methods. The promulgation of this rule will not require small businesses or local governments to submit any new information, forms, or paperwork.

4. **Compliance costs:** The amendments do not impose any additional program, service, duty, responsibility or cost on small businesses or local governments. Small businesses and local governments currently subject to the New York State and City of Yonkers withholding requirements will continue to be subject to these requirements.

5. **Economic and technological feasibility:** The rule does not impose any additional costs or technological requirements on small businesses or local governments.

6. **Minimizing adverse impact:** Tax Law section 671(a)(1) requires that the New York State withholding tables and other methods be promulgated. Section 1332(a) requires that the City of Yonkers withholding of tax on wages shall be administered and collected by the Commissioner of Taxation and Finance in the same manner as the tax imposed by Article 22 of the Tax Law. There are no provisions in the Tax Law that exclude employers that are small businesses or local governments from the withholding requirements.

These amendments implement the incremental tax rate decrease effected by Part TT of Chapter 60 of the Laws of 2016 and the temporary expansion of the top personal income tax brackets and rates effected by Part A of Chapter 59 of the Laws of 2021. The rule also adds a new withholding method to better accommodate the new brackets and rates. The new withholding tables and other methods enable small businesses and local governments to comply with the requirement that employers withhold from employee wages amounts that are substantially equivalent to the amount of New York State and City of Yonkers personal income tax on residents reasonably estimated to be due for the taxable year.

The amendments minimize adverse impact on small businesses and local governments and do not impose any additional costs to the State, regulated parties, or the Department of Taxation and Finance beyond those inherent in the implementation of Tax Law section 671(a)(1), Part TT of Chapter 60 of the Laws of 2016 and Part A of Chapter 59 of the Laws of 2021. Accordingly, no alternatives were considered.

Tax Law sections 671(a) and 1329(a), section 15-105 of the Code of the City of Yonkers, Part TT of Chapter 60 of the Laws of 2016 and Part A of Chapter 59 of the Laws of 2021 require that withholding tables and other methods be promulgated. The rule merely implements these requirements. Providing withholding tables and other methods reflecting the current personal income tax brackets and rates, together with an additional withholding method to better accommodate the expanded top brackets and rates, assists employers in meeting their statutory obligations.

7. **Small business and local government participation:** The following organizations are being given an opportunity to participate in the rule's development: the Association of Towns of New York State; the Division of Local Government Services of New York State Department of State;

the Division of Small Business of Empire State Development; the National Federation of Independent Businesses; the New York State Association of Counties; the New York Conference of Mayors and Municipal Officials; the Small Business Council of the New York State Business Council; the Retail Council of New York State; the New York Association of Convenience Stores; the Tax section of the New York State Bar Association; the Association of the Bar of the City of New York; the National Tax Committee for the National Conference of CPA Practitioners; the New York State Society of CPAs; and the Business Council of New York State.

#### **Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas: Every employer, including any public or private employer located in a rural area as defined in section 102(10) of the State Administrative Procedure Act, that is currently subject to the New York State and City of Yonkers withholding requirements will continue to be subject to such requirements and will be required to comply with the provisions of this rule. The number of employers that are also public or private interests in rural areas cannot be determined with any degree of certainty. There are 44 counties throughout this State that are rural areas (having a population of less than 200,000) and 9 more counties having towns that are rural areas (with population densities of 150 or fewer people per square mile).

2. Reporting, recordkeeping and other compliance requirements; and professional services: This rule requires employers that are already subject to the New York State and City of Yonkers withholding requirements to continue to deduct and withhold amounts from employees using the revised withholding tables and other methods. The promulgation of this rule will not require employers to submit any new information, forms or other paperwork.

Further, many employers currently utilize bookkeepers, accountants, and professional payroll services to comply with existing withholding requirements. This rule will not encourage or discourage the use of any such services.

3. Costs: Employers are already subject to the New York State and City of Yonkers withholding requirements. Therefore, employers are accustomed to withholding revisions, including minor programming changes for federal, state, and City of Yonkers purposes. As such, these changes in the withholding tables and other methods should place no additional burdens on employers located in rural areas. See, also, section 4(a) of the Regulatory Impact Statement for this rule.

4. Minimizing adverse impact: Tax Law section 671(a)(1) requires that the New York State withholding tables and other methods be promulgated. Section 1332(a) requires that the City of Yonkers withholding of tax on wages shall be administered and collected by the Commissioner of Taxation and Finance in the same manner as the tax imposed by Article 22 of the Tax Law. There are no provisions in the Tax Law that exclude employers located in rural areas from the withholding requirements.

5. Rural area participation: The following organizations are being given an opportunity to participate in the rule's development: the Association of Towns of New York State; the Division of Local Government Services of New York State Department of State; the Division of Small Business of Empire State Development; the National Federation of Independent Businesses; the New York State Association of Counties; the New York Conference of Mayors and Municipal Officials; the Small Business Council of the New York State Business Council; the Retail Council of New York State; the New York Association of Convenience Stores; the Tax section of the New York State Bar Association; the Association of the Bar of the City of New York; the National Tax Committee for the National Conference of CPA Practitioners; the New York State Society of CPAs; and the Business Council of New York State. In addition, the City of Yonkers was consulted.

#### **Job Impact Statement**

A Job Impact Statement is not being submitted with this rule because it is evident from the subject matter of the rule that it would have no adverse impact on jobs and employment opportunities. The purpose of the rule is to provide New York State and City of Yonkers withholding tables and other methods, applicable for compensation paid on or after January 1, 2022. The new withholding tables and other methods for New York State and the City of Yonkers reflect the incremental decrease in New York State personal income tax effected by Part TT of Chapter 60 of the Laws of 2016. The new withholding tables also reflect the temporary expansion of the top personal income tax brackets and rates and the addition of a third withholding method to better accommodate the new brackets and rates. The rule also updates 20 NYCRR sections 171.4 and 251.1 to reflect the new brackets and rates and the additional withholding method. The changes require revised City of Yonkers withholding tables and other methods because the City of Yonkers income tax surcharge is a percentage of New York State tax.

## Workers' Compensation Board

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

#### **Medical Treatment Guidelines**

**I.D. No.** WCB-41-21-00012-P

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

**Proposed Action:** Amendment of section 324.2 of Title 12 NYCRR.

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

**Subject:** Medical Treatment Guidelines.

**Purpose:** To add Eye Disorders, Traumatic Brain Injury, and Complex Regional Pain Syndrome MTGs.

**Text of proposed rule:** New paragraphs (15), (16), and (17) of subdivision (a) of section 324.2 of Title 12 NYCRR is hereby added to read as follows:

(15) for eye disorders, the *New York Eye Disorders Medical Treatment Guidelines, first edition, September 28, 2021, effective December 22, 2021, herein incorporated by reference.*

(16) for traumatic brain injury, the *New York Traumatic Brain Injury Medical Treatment Guidelines, first edition, September 28, 2021, effective December 22, 2021, herein incorporated by reference.*

(17) for complex regional pain syndrome, the *New York Complex Regional Pain Syndrome Medical Treatment Guidelines, first edition, September 28, effective December 22, 2021, herein incorporated by reference.*

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

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

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

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

#### **Regulatory Impact Statement**

##### **1. Statutory Authority:**

The Chair of the Workers' Compensation Board (Chair) is authorized to amend Part 324 of Title 12 NYCRR. Workers' Compensation Law (WCL) § 117(1) authorizes the Chair to make reasonable regulations consistent with the provisions of the WCL. WCL § 141 authorizes the Chair to enforce all provisions of the chapter and make administrative regulations and orders providing in part for the receipt, indexing, and examining of all notices, claims and reports.

WCL §§ 13 and 13-a establishes employer liability for the provision of medical treatment and care for an injured employee and authorizes the Chair to prepare and establish a schedule for the state of charges and fees for medical treatment and care. Concomitant with an employer's liability to provide medical treatment and care for an injured employee and the Chair's authority to establish a medical fee schedule is the need for guidelines setting forth standards of appropriate treatment and care for injured or ill employees.

##### **2. Legislative Objectives:**

The Chair of Workers' Compensation Board is authorized to adopt reasonable rules consistent with and supplemental to the Workers' Compensation Law (Workers' Compensation Law §§ 117[1] and 141). Consistent with Workers' Compensation Law §§ 13 and 13-(5), the Board may establish Medical Treatment Guidelines that set forth what is appropriate medical care and procedures that are pre-authorized (Kigin v. NYS Workers' Compensation Board, 24 NY3d 459 [2014]).

##### **3. Needs and Benefits:**

The purpose of the 12 NYCRR Part 324 (the Medical Treatment Guidelines, Guidelines or MTG) was to create medical guidelines for the treatment of injured workers using the most effective evidence-based modern diagnostic and treatment techniques. The MTGs are standards of medical treatment that serve several important functions within the workers' compensation system. The Guidelines seek to: 1) set a single standard of medical care for injured workers; 2) expedite quality care for injured workers; 3) improve the medical outcomes for injured workers; 4) speed return to work by injured workers; 5) reduce disputes between payers and medical providers over treatment issues; 6) increase timely payments to medical providers; and 7) reduce overall system costs.

In keeping with the goals of the MTGs, the new Guidelines proposed here address eye disorders, complex regional pain syndrome (CRPS), and traumatic brain injuries (TBIs). The addition of these Guidelines will provide greater clarity and guidance for providers as well as injured workers to reflect the most effective and modern treatment techniques.

#### 4. Costs:

The Guidelines will be available on the Board's website and anyone will be able to download and print them free of charge. Hard copies may be requested from the Board without a fee.

It should be noted that all parties will be able to use the Guidelines without having to pay a licensing fee.

#### 5. Local Government Mandates:

The rule only imposes a mandate on local governments that are self-insured or that own and/or operate a hospital. The mandates on local governments are the same as those imposed on private self-insured employers, insurance carriers, the State Insurance Fund, third party administrators, medical professionals, private hospitals. Self-insured local governments and those that own and/or operate a hospital will need to comply with the requirements in the rule the same as a private self-insured employer or insurance carrier or private hospital. It is expected that the rule will generate reduced medical costs and therefore lower workers' compensation costs for all employers, including local governments.

#### 6. Paperwork:

The proposed amendments to the regulations should not affect paperwork associated with medical treatment. There will be no change to the method and manner of the forms used as a result of this proposal.

#### 7. Duplication:

The proposed regulation does not duplicate or conflict with any state or federal requirements.

#### 8. Alternatives:

One alternative was to not update the MTGs to add eye injury, CRPS, or TBI MTGs. However, the Board recognizes that the guidelines should be updated to reflect advances in medicine since they were last amended.

#### 9. Federal Standards:

There are no federal standards applicable to this proposed regulation.

#### 10. Compliance Schedule:

Participants will be able to comply with the proposed regulation when they take effect, and the Board expects that the participants will also have time to incorporate the eye injury, CRPS, and TBI Guidelines into their policies, procedures and practices.

### **Regulatory Flexibility Analysis**

#### 1. Effect of rule:

Small businesses and local governments whose only involvement with the workers' compensation system is that they are employers and are required to have coverage will not be affected by this rule. Small businesses cannot be individually self-insured but must purchase workers' compensation coverage from the State Insurance Fund or a private insurance carrier authorized to write workers' compensation insurance in New York or join a group self-insured trust. It is the entity providing coverage for the small employer that must comply with all of the provisions of this rulemaking, not the covered employer. The impact on the State Insurance Fund and all private insurance carriers is not covered in this document as they are not small businesses. Group self-insured trusts and third-party administrators hired by private insurance carriers may be small businesses, and these businesses may be slightly impacted by this regulation. All health practitioners authorized by the Chair to treat have to comply with the Medical Treatment Guidelines. Finally, local governments that own and/or operate a hospital may be affected by this rule.

The political subdivisions that are self-insured for workers' compensation coverage in New York State will have to comply with the provisions of this proposal. Those local governments who are not self-insured and do not own and/or operate a hospital will not be affected by this rule.

#### 2. Compliance requirements:

The proposed rule does not impose new compliance requirements on the small businesses and local governments described above.

Adoption of the eye disorders, complex regional pain syndrome (CRPS) and traumatic brain injury (TBI) MTGs will require all medical providers to adhere to those Guidelines and request prior authorization, should the requested treatment deviate from the treatment recommended in the Guidelines. The process for requesting prior authorization and the forms used to request prior authorization are already in use.

3. Professional services: Small businesses and local governments affected by the rule will not need any new professional services to comply with this rule.

#### 4. Compliance costs:

The proposed amendments are intended to reduce administrative costs to all parties by adding clarity and guidance in the treatment of injured workers. As with the earlier adopted Guidelines, the Board will offer support for this implementation through training. The Guidelines will be available on the Board's website and anyone will be able to download and print

them free of charge. Hard copies may be requested from the Board without a fee.

5. Economic and technological feasibility: It is economically and technologically feasible for small businesses and local governments to comply with the proposed amendments. The proposed amendments do not add any technological requirements or economic challenges from the current Guidelines.

6. Minimizing adverse impact: As stated above, the implementation of the proposed amendments is expected to save money for all participants in the workers' compensation system by adding eye, CRPS, and TBI Guidelines.

7. Small business and local government participation: The Board has solicited comments for the proposed new MTGs on its website from all participants in the workers' compensation system, including small businesses and local governments. The proposed amendment is expected to reduce costs and consume fewer resources for all participants in the workers' compensation system including small businesses and local governments.

The Board does not have a small employer or municipality database, but has sent an electronic communication describing the proposal to 8,066 subscribers for Board updates (health care providers and self-insured employers) on September 28, 2021.

### **Rural Area Flexibility Analysis**

#### 1. Types and estimated numbers of rural areas:

The amendment of section 324.2 of Part 324 of 12 NYCRR will apply to all insurance carriers, the State Insurance Fund self-insured employers, self-insured local governments, local governments that own and/or operate hospitals, attorneys, medical providers, group self-insured trusts, third party administrators and claimants across the state. These individuals and entities exist in all rural areas of the state.

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

Adoption of the new Medical Treatment Guidelines (Eye Disorders, Complex Regional Pain Syndrome [CRPS] and Traumatic Brain Injury [TBI]) will require all medical providers to adhere to those Guidelines and request a variance, should the requested treatment deviate from the treatment recommended in the Guidelines. The process for requesting a variance and the forms used to request a variance are already in use. It is not anticipated that the proposed amendments will require any additional staffing or resources by rural employers.

#### 3. Costs:

The proposed amendment is intended to reduce administrative costs to all parties including rural participants, reduce delays in resolution of disputes, and add clarity and guidance in the treatment of injured workers. As with the original Guidelines adopted in 2010 and the various updates and amendments since, the Board will offer support for this implementation. The Guidelines will be available on the Board's website and anyone will be able to download and print them free of charge. Hard copies may be requested from the Board without a fee.

#### 4. Minimizing adverse impact:

As stated above, the implementation of the eye, CRPS, and TBI MTGs is expected to reduce costs and consume fewer resources for all participants in the workers' compensation system including rural participants. The updates will provide greater clarity and guidance.

#### 5. Rural area participation:

The proposal will be available for public comment on the Board's website and in the State Register, and the Board will duly consider all public comments received.

### **Job Impact Statement**

The proposed rule will not have an adverse impact on jobs. The proposed rule amends Section 324.2 of Part 324 of 12 NYCRR, known as the Medical Treatment Guidelines (Guidelines), to add eye disorder, complex regional pain syndrome (CRPS), and traumatic brain injury Guidelines.

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

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Agriculture and Markets, Department of</b>		
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.
<b>Environmental Conservation, Department of</b>		
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: <a href="https://www.dec.ny.gov/regulations/propregulations.html">https://www.dec.ny.gov/regulations/propregulations.html</a> Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the 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 <a href="mailto:ohms@dec.ny.gov">ohms@dec.ny.gov</a>
<b>Labor, Department of</b>		
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.
<b>Liquor Authority, State</b>		
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.
<b>Long Island Power Authority</b>		
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	

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	the Freedom of Information Law	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
<b>Public Service Commission</b>		
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 ( <a href="http://www.dps.ny.gov">www.dps.ny.gov</a> ) 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 ( <a href="http://www.dps.ny.gov">www.dps.ny.gov</a> ) 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
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>0001</b>	<b>P</b>

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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**AGRICULTURE AND MARKETS, DEPARTMENT OF**

AAM-23-21-00001-P	..... 07/07/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards
AAM-31-21-00014-P	..... 09/15/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards

**ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF**

*ASA-28-20-00013-RP	..... 10/22/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
*ASA-28-20-00016-RP	..... 10/22/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation
ASA-27-21-00009-P	..... 07/07/22	General provisions applicable to all OASAS programs	To identify those provisions that are required of all OASAS certified, funded or otherwise authorized programs

**CHILDREN AND FAMILY SERVICES, OFFICE OF**

*CFS-04-20-00009-RP	..... 12/13/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-49-20-00006-EP	..... 12/09/21	Maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days.	Remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs.
CFS-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
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
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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.
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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
<b>COMMISSIONER OF PILOTS, BOARD OF</b>			
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
<b>CORRECTION, STATE COMMISSION OF</b>			
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
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
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
<b>EDUCATION DEPARTMENT</b>			
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
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.
<b>ELECTIONS, STATE BOARD OF</b>			
SBE-33-21-00010-P	08/18/22	Public Campaign Finance Program	Implementation of the Public Campaign Finance Program
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
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
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
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*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-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)

## Action Pending Index

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING COMMISSION, NEW YORK STATE</b>			
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
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-46-19-00003-RP	12/21/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
*HLT-31-20-00012-EP	exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
*HLT-38-20-00006-RP	12/22/21	Medicaid Transportation Program	Medicaid payment standards for emergency ambulance providers participating in an Emergency Triage, Treat & Transport (ET3) model
HLT-45-20-00002-RP	11/10/21	Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
HLT-05-21-00011-P	02/03/22	Ingredient Disclosures for Vapor Products and E-Cigarettes	To provide for enhanced public awareness of the chemicals used in vapor products and electronic cigarettes
HLT-19-21-00002-EP	05/12/22	Meeting Space in Transitional Adult Homes	Establish criteria for suitable meeting space to ensure privacy in conversations and submit a compliance plan to the Department
HLT-22-21-00003-P	06/02/22	Reducing Biannual Testing of Adult Care Facility Staff	To remove the requirement for biannual testing of adult care workers
HLT-22-21-00004-P	06/02/22	Hospice Residence Rates	To authorize Medicaid rate of payment to increase the Hospice Residence reimbursement rates by 10 percent
HLT-22-21-00005-P	06/02/22	Stroke Services	Amend transition period for existing stroke centers to allow the Dept. to extend the three year transition period, if necessary
HLT-22-21-00009-P	06/02/22	Managed Care Organizations (MCOs)	To maintain the contingent reserve requirement at 7.25% through 2022 applied to Medicaid Managed Care, HIV SNP & HARP programs
HLT-22-21-00010-P	06/02/22	Labeling Requirements Concerning Vent-Free Gas Space Heating Appliances	To adjust the current labeling requirements for unvented gas space heating appliances
HLT-28-21-00018-P	07/14/22	Public Water Systems	To correct typographic & minor technical errors to obtain primacy for the implementation of federal drinking water regulations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
HLT-32-21-00001-P	08/11/22	Abortion Services	To protect and promote the health of New Yorkers seeking to access abortion services
<b>HUMAN RIGHTS, DIVISION OF</b>			
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
<b>JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE</b>			
JPE-21-21-00002-RP	05/26/22	Records access	To update regulations governing records access
<b>LABOR, DEPARTMENT OF</b>			
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
<b>LIQUOR AUTHORITY, STATE</b>			
QQR-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
<b>LONG ISLAND POWER AUTHORITY</b>			
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
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
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**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
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>MENTAL HEALTH, OFFICE OF</b>			
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
<b>METRO-NORTH COMMUTER RAILROAD</b>			
*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
<b>METROPOLITAN TRANSPORTATION AGENCY</b>			
*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
<b>NEW YORK CITY TRANSIT AUTHORITY</b>			
*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
<b>NIAGARA FALLS WATER BOARD</b>			
*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
<b>NIAGARA FRONTIER TRANSPORTATION AUTHORITY</b>			
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
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*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
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
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
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff’s electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff’s electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company’s request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants’ request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.’s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking’s request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison’s Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison’s Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry 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.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*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.

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
*PSC-40-20-00004-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-28-21-00014-P	..... exempt	Proposed agreement for the provision of water service.	To consider whether a proposed service agreement and requested waivers of Commission rules are in the public interest.
PSC-28-21-00015-P	..... exempt	Proposals for active and passive managed charging programs for mass market EV customers.	To shift EV charging to moderate grid impacts and customer costs.
PSC-28-21-00016-P	..... exempt	Transfer of Suez Water New York Inc.'s parent company to Veolia Environment S.A.	To determine if the proposed transfer is the public interest.
PSC-29-21-00003-P	..... exempt	Proposed revisions to the Companies firm demand response programs for the 2021 - 2022 winter season.	To determine whether to authorize the Companies' proposed firm gas demand response programs and associated tariff leaves.
PSC-29-21-00004-P	..... exempt	Exemptions from utility standby rates for efficient combined heat and power projects.	To determine whether utility standby rate exemptions should be continued.
PSC-29-21-00005-P	..... exempt	Use of pipeline refund.	To consider how a pipeline refund of \$2.26 million will be utilized by National Fuel.
PSC-29-21-00006-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Horseheads.
PSC-29-21-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-29-21-00008-P	..... exempt	Proposed agreement for provision of service by Saratoga Water Services, Inc.	To consider whether a proposed service agreement and requested waivers of Commission rules are in the public interest.
PSC-29-21-00009-P	..... exempt	Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies.	To study the efficacy of using AMI to disconnect electric service during gas system emergencies.
PSC-30-21-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-30-21-00006-P	..... exempt	NYSERDA proposal regarding Clean Energy Standard backstop collection processes.	To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard.
PSC-30-21-00007-P	..... exempt	Submetering of electricity and waiver requests.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-30-21-00008-P	..... exempt	Adjustments to the the Daily Delivery Service Program.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-31-21-00008-P	..... exempt	Issuance of securities and other forms of indebtedness.	To consider Central Hudson's request to issue and sell unsecured debt obligations
PSC-31-21-00009-P	..... exempt	Waiver of certain rules, i.e., cable television advisory committee, public notice of request for proposals.	To determine whether to waive any rules and regulations.
PSC-31-21-00010-P	..... exempt	Establishment of the regulatory regime applicable to a solar electric generating facility and energy storage.	To ensure appropriate regulation of a new electric corporation.
PSC-31-21-00011-P	..... exempt	Establishment of the regulatory regime applicable to a solar electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers.	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers.
PSC-32-21-00003-P	..... exempt	Exemptions from utility standby rates for certain designated or environmentally advantageous technologies.	To harmonize standby rate exemptions statewide.
PSC-33-21-00006-P	..... exempt	Proposed rate increase.	To ensure safe and adequate service at just and reasonable rates.
PSC-33-21-00007-P	..... exempt	Acquisition of cable television facilities and franchises of two municipalities.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest.
PSC-33-21-00008-P	..... exempt	Establishment of a Tapping and Connection Fee.	To consider whether the proposed fees are in the public interest.
PSC-33-21-00009-P	..... exempt	Banking of credits and switching between Community Distributed Generation and Remote Crediting projects.	To ensure just and reasonable rates charged to customers.
PSC-34-21-00004-P	..... exempt	CDG subscriber eligibility requirements.	To consider modifications to the CDG program eligibility requirements for certain Standby Service customers.
PSC-34-21-00005-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-21-00006-P	..... exempt	Staff recommendations to address the financial impacts of the COVID-19 pandemic.	To consider measures to provide relief to those financially impacted by the COVID-19 pandemic.
PSC-34-21-00007-P	..... exempt	Authorization to extend the maturity date of certain short-term indebtedness and total debt.	To consider the request for authorization to enter into indebtedness.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-34-21-00010-P	..... exempt	Clean Energy Standard Programs.	Continued implementation of the Clean Energy Standard and the Zero Energy Credit Requirements Programs.
PSC-35-21-00002-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-21-00003-P	..... exempt	PSC regulations 16 NYCRR 86.3(a)(2); 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-35-21-00004-P	..... exempt	Major gas rate filing.	To consider a proposed increase in Corning's gas delivery revenues of approximately \$5.8 million (20.4% in total revenues).
PSC-35-21-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-35-21-00006-P	..... exempt	Proposed rate increase.	To ensure safe and adequate service at just and reasonable rates.
PSC-35-21-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-21-00008-P	..... exempt	Tariff filing to allow eligible CHP Customers to provide export support to their other service connections.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators in New York State.
PSC-36-21-00005-P	..... exempt	Transfer of real property.	To determine whether to authorize the transfer of real property and the proper accounting for the transaction.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
PSC-41-21-00005-P	..... exempt	Area code overlay as relief of the exhausting 516 area code (Long Island).	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-41-21-00006-P	..... exempt	The proposed transfer of ownership interests and debt financing arrangement related to an electric generating facility.	To determine whether the proposed transfer of ownership interests and financing arrangement are in the public interest.
PSC-41-21-00007-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-41-21-00008-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-41-21-00009-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-41-21-00010-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-41-21-00011-P	..... exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
<b>STATE, DEPARTMENT OF</b>			
DOS-05-21-00013-RP	..... 02/03/22	Requirements and procedures related to filing, review and publication of financial reports filed with the Department of State	To provide procedures related to the filing, review and publication of financial reports filed with the Department of State
DOS-19-21-00014-P	..... 07/15/22	Minimum standards for administration and enforcement of the Uniform Code and Energy Code	To revise the minimum standards applicable to a program for administration and enforcement of the Uniform Code and Energy Code
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.
<b>STATE UNIVERSITY OF NEW YORK</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>STATE UNIVERSITY OF NEW YORK</b>			
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
<b>STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY</b>			
*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.
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
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
TAF-41-21-00003-P	10/13/22	New York State and City of Yonkers withholding tables and other methods.	To provide current New York State and City of Yonkers withholding tables and other methods.
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
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
<b>URBAN DEVELOPMENT CORPORATION</b>			
UDC-38-21-00001-EP	09/22/22	Biodefense Commercialization Fund program	To create the administrative processes for the Biodefense Commercialization Fund program
<b>WORKERS' COMPENSATION BOARD</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>WORKERS' COMPENSATION BOARD</b>			
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)
WCB-41-21-00012-P	..... 10/13/22	Medical Treatment Guidelines	To add Eye Disorders, Traumatic Brain Injury, and Complex Regional Pain Syndrome MTGs





# SECURITIES OFFERINGS

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## STATE NOTICES

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

## DEALERS; BROKERS

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Wheels Up Experience Inc.  
601 West 26th Street, Suite 900, New York, NY 10001  
*State or country in which incorporated* — Delaware

Woods Investment Co., Ltd.  
2F, No. 3, Park St., Nangang Dist., Taipei City, Taiwan  
*State or country in which incorporated* — China

CX Heritage Depositor, LLC  
4890 W. Kennedy Blvd., Suite 200, Tampa, FL 33609  
*State or country in which incorporated* — Delaware

CX Riverstone Depositor, LLC  
4890 W. Kennedy Blvd., Suite 200, Tampa, FL 33609  
*State or country in which incorporated* — Delaware

EYG 6050 Bradenton Reserve LLC  
6673 Doonbeg Dr., Frisco, TX 75035  
*State or country in which incorporated* — Texas

Forest Creek Apartment Communities, LLC  
932 Ashland Ave, Wilmitte, IL 60091  
*State or country in which incorporated* — Georgia

Inland Securities Corporation  
2901 Butterfield Rd., Oak Brook IL 60523  
*State or country in which incorporated* — Delaware

Monarc Holdings, Inc.  
1160A Pittsford-Victor Rd., Pittsford, NY 14534  
*State or country in which incorporated* — New York

ference, inc.  
One Main St., Suite 400, E. Arcade, 4th Fl., Cambridge, MA 02142  
*State or country in which incorporated* — Delaware

PIMCO Investments LLC  
1633 Broadway, New York, NY 10019  
*State or country in which incorporated* — Massachusetts

Stella Diagnostics, Inc.  
50 W. Broadway, Suite 300, Salt Lake City, UT 84101  
*State or country in which incorporated* — Wyoming

Tutor Intelligence, Inc.  
Seven Craigie Circle, Apt. 1, Cambridge, MA 02138  
*State or country in which incorporated* — Delaware

Vivo Apartments Torrance, LLC  
16150 SW Upper Boones Ferry Road, Portland, OR 97224  
*State or country in which incorporated* — Delaware

Vivo Living Kissimmee LLC  
16150 SW Upper Boones Ferry Road, Portland, OR 97224  
*State or country in which incorporated* — Delaware



# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### PROVIDE SLEEP LAB

Nathan Kline Research Institute  
Orangeburg, Rockland County

Sealed bids for Project Nos. 45913-C, 45813-H, 45813-P and 45813-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Sleep Lab, Building 35, Nathan Kline Research Institute, 140 Old Orangeburg Rd, Orangeburg (Rockland County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, 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 \$17,000 for C, \$10,100 for H, \$2,400 for P, and \$13,900 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 \$100,000 and \$250,000 for C, between \$100,000 and \$200,000 for H, between \$25,000 and \$50,000 for P, and between \$100,000 and \$250,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten

percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

The substantial completion date for this project is 265 days after the Agreement is approved by the Comptroller.

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

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBes and WBEs) for Construction Work and an overall goal of 4% for MWBE participation, 2% for Minority-Owned Business Enterprises ("MBE") participation and 2% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBes and WBEs) for Electrical Work and an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBes and WBEs) for HVAC Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 6% for the E trade contractor, 3% for the H trade contractor, and 0% 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](mailto: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](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

# NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

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

## COMMUNITY BASED NOT-FOR-PROFIT CORPORATIONS Neighborhood and Rural Preservation Program

The Housing Trust Fund Corporation (HTFC) announces funding availability and the opportunity for participation in the Neighborhood and Rural Preservation Program (NRPP). HTFC is soliciting applications from community based not-for-profit corporations to serve as either Neighborhood Preservation Companies (NPCs) or Rural Preservation Companies (RPCs). The following opportunities are available:

### Neighborhood Preservation Program (NPP)

- Five (5) NPC vacancies with total funding of up to \$91,223.02 per award.
- Serves urban areas of the State with cities, towns, and villages having a population of 25,000 or more.

### Rural Preservation Program (RPP)

- Two (2) RPC vacancies with total funding of up to \$89,827.59 per award.
- Serves rural areas of the State with cities, towns and villages having a population of less than 25,000.

### ELIGIBLE SERVICE AREAS

HTFC is soliciting applications limited to new preservation companies that propose service area boundaries inclusive of one, or more identified targeted regions. A service area is a geographically defined boundary proposed by the applicant to recognize or establish a neighborhood within a municipality. An evaluation of the current program has identified targeted regions where program attrition has resulted in an area being unserved or underserved. An underserved area may be served by one or more preservation companies, but demand/need for preservation activities remains unmet. Supporting maps will be provided to illustrate unserved areas.

Applicants will be required to demonstrate that a proposed service area within the following targeted regions meets statutory N/RPP eligible area requirements.

- Albany County
- Broome County
- Bronx County
- Chenango County
- Dutchess County
- Erie County
- Hamilton County
- Kings County
- Monroe County
- Montgomery County
- Nassau County
- Onondaga County
- Orange County
- Queens County
- Richmond County
- Rockland County

- Saratoga County
- Schenectady County
- Suffolk County
- Warren County
- Westchester County

### APPLICATION FOR FUNDING

### THRESHOLD ELIGIBILITY CRITERIA

Applicants must meet the following threshold eligibility criteria to advance to a full application review. Failure to satisfy all threshold eligibility criteria will result in the disqualification of the application from further consideration or review.

- The organization is not currently a preservation company funded by HCR.
- The organization proposes service area boundaries inclusive of one, or more identified targeted regions listed.
- The organization has been in existence and providing relevant service and engaged in active preservation of the community in the proposed service area for at least five (5) years.
- The organization is actively engaged in activities related to the preservation, stabilization, or improvement of neighborhoods/rural areas including owner occupied and rental home repair/rehabilitation; construction of new, affordable housing; tenant/homeowner assistance; subsidy assistance; community planning; or community assistance (after school care; recreation programming; food pantry).
- The organization has an office in the proposed service area.
- A substantial portion of the residential population in the service area the applicant proposes to assist through its activities must be persons of low-income. This is defined as residents whose median household income (MHI) does not exceed 90 percent for all residents of the municipality (for NPCs) or region (for RPCs) within which they reside.
- The organization has funding available to meet N/RPP program matching requirements. This will be a minimum of at least one-third of the total grant award. Matching funds are any additional funds expended to support the objectives of the organization's housing and community renewal programs.

• The organization's program budget clearly identifies how program funds will be utilized for the payment of salaries and wages to employees, or fees to consultants and professionals, who are engaged in rendering housing preservation and community renewal activities.

• The Board of Directors for the not-for-profit organization is representative of the community and meets the following requirements:

o NPP: Board must have at least seven (7) members and 33% of the board must be residents (not work—reside) in the proposed service area

o RPP: Board must have at least five (5) members and 51% of the board must be residents (not work—reside) in the proposed service area

Application materials for the sources identified above will be available on the NYS Homes and Community Renewal website, <https://hcr.ny.gov>, by October 6, 2021. Applications will be due no later than 4:00 pm on Friday, November 12, 2021. Applications must be submitted via email to: [NRPP@nyshcr.org](mailto:NRPP@nyshcr.org).

Applicants are subject to an evaluation of prior performance with other OCR funded programs and organizational capacity. The above-

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

#### NEIGHBORHOOD AND RURAL PRESERVATION PROGRAMS PROGRAM DESCRIPTION

The Neighborhood and Rural Preservation Programs provide administrative funding to support community based not-for-profits known as “preservation companies.” Funding is restricted to the payment of salaries and wages to employees of such companies who are engaged in rendering housing preservation and community renewal activities, fees to consultants and professionals retained by them for planning and performing such activities and other costs and expenses directly related to such employees, consultants, and professionals. Funding may not be used for capital costs, such as construction, repair, or rehabilitation activities.

#### ELIGIBLE APPLICANTS

Eligible applicants for the program are organizations incorporated under the New York State Not-For-Profit Corporation Law, that have been providing relevant service to and engaged in active preservation of the community for at least five years prior to application. Eligible applicants must also have a physical office in the area they propose to serve. Applicants must document experience with past and current community preservation projects and activities.

#### WORKPLAN ACTIVITIES

Applicants must propose a work plan that describes the housing preservation and/or community renewal activities to be completed during the contract period. NRPP funding supports the payment of salaries and wages to employees, or fees to consultants and professionals, who are engaged in these activities. Applicants must demonstrate the type of housing preservation or community renewal work they intend to complete that will benefit the service area. Payment of salaries, wages, or fees must relate to administration of activities in the following categories:

- o Property Rehabilitation and Construction
- o Client Assistance
- o Community Renewal

Review the Neighborhood and Rural Preservation Programs Manual for more information related to activities: <https://hcr.ny.gov/system/files/documents/2021/07/2021-nrpp-manual-final.pdf>

#### FUNDING LIMITS

##### Neighborhood Preservation Program (NPP)

- Five (5) NPP vacancies with total funding of up to \$91,223.02 per award.

##### Rural Preservation Program (RPP)

- Two (2) RPP vacancies with total funding of up to \$89,827.59 per award.

#### GENERAL REQUIREMENTS

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

The Office of Community Renewal (OCR) reserves the right to reject any and all proposals, to conduct site visits, interview the applicant, extend the submission deadline, and request additional information. OCR reserves the right to waive or modify any requirement contained in the Request for Application and applications received subject to the applicable statutes and the Program Regulations.

#### CONTACT INFORMATION

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

# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

## PUBLIC NOTICE Department of 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 14, 2021, this notice proposes to increase reimbursement rates as follows:

Rates for state-plan approved Personalized Recovery Oriented Services (PROS) will be increased by 10.30 percent annually, effective October 14, 2021. However, to allow for full disbursement of funds available April 1, 2021 – March 31, 2022, the rate increase for the period October 14, 2021 – March 31, 2022 will be an additional 12.00 percent, for a total increase of percent. Rates will then be reduced 12.00 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, but not limited to, strengthening the response to the COVID-19 Public Health Emergency, assisting providers in meeting the challenges of changing population demographics, and enhancement of their programs, including but not limited to providing services with higher staff to recipient rations and at offsite locations.

The estimated annual net aggregate increase in gross Medicaid

expenditures as a result of this proposed increase for PROS is \$8,100,000.

Additionally, rates for state-plan approved Personalized Recovery Oriented Services (PROS) will be increased by an additional 13.10 percent for the period October 14, 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 PROS is \$5,500,000.

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](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](mailto:spa_inquiries@health.ny.gov)

## PUBLIC NOTICE Department of State F-2020-0241

Date of Issuance – October 13, 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-2021-0241, Frank M. Flower & Sons, Inc. proposes to renew the Army Corps of Engineers' Nationwide Permit #48 for shellfish aquaculture operations within the Oyster Bay Cold Spring Harbor Complex, Town of Oyster Bay, Nassau County, NY.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/F-2021-0241FrankMFlowerSonsConsistencyCert.pdf>

More Information regarding the Corps' Nationwide Permit Program can be found at: [https://www.nan.usace.army.mil/Portals/37/docs/regulatory/Nationwide%20Permit/NWP2021/NWP%20Water%20Quality%20Cert%202021.pdf?ver=YuW-a82wzh\\_IppKNE99FoQ%3d%3d](https://www.nan.usace.army.mil/Portals/37/docs/regulatory/Nationwide%20Permit/NWP2021/NWP%20Water%20Quality%20Cert%202021.pdf?ver=YuW-a82wzh_IppKNE99FoQ%3d%3d)

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 by Friday, November 12, 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-2021-0381

Date of Issuance – October 13, 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-2021-0381, Peter Sidoti is proposing to construct a new wave breaks structures off the existing dock. Proposed construction of a 66' long, 34' and 27' timber wavebreaks. The site is located on Great South Bay at Four Sloop Walk, Ocean Beach, NY 11770, Suffolk County.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/f-2021-0381sidoti.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 12, 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-2021-0530

Date of Issuance – October 13, 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-2021-0530, Anthony Finuoli, is proposing to construct a residential pier to include a 51' x 4' timber pier dock with open grate, 40' x 3' aluminum gangway, and two 20' x 8' floats and six 12" diameter timber piles. The project is located at 285 Asharoken Avenue, Village of Asharoken, Suffolk County, on Northport Bay.

The purpose of the proposed project is to allow safe access to the water for the property owner for water dependent uses.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0530.pdf>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, October 28, 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-2021-0593

Date of Issuance - October 13, 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-2021-0593, The Suffolk County Department of Health Services is proposing to construct a fish passage at Upper Mills Dam located on the Peconic River in Riverhead, New York. This will be completed by installing a 6' x 12' precast concrete culvert to pass all flows through the dam, install seven weir structures upstream of the culvert, and install four weir structures downstream. Approximately 381 CY of excavation is required upstream of the culvert and approximately 798 CY downstream of the culvert to establish the grade of the fish passage. To create the fish passage structure, approximately 106 CY of grouted rip-rap is proposed to be installed upstream of the culvert. On the downstream end of the culvert, approximately 138 CY of grouted rip-rap and 108 CY of dry rip-rap is proposed.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/october/f-2021-0593consistcert.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 date November 12, 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-2021-0642

Date of Issuance - October 13, 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-2021-0642, Michael Bishai, was proposing to install a single post boat lift single post and four-pile boat lift. Reduce existing floating dock to 11.8' x 18' and install new 5'7" by 20' float. Three piles to be removed/relocated and five wood piles installed at Five Beach Road, Oyster Bay.

Town of Oyster Bay, County of Nassau, South Oyster Bay

The stated purpose of the proposed action is to reconfigure the dock and to install 2 boat lifts for private recreational boating use by the family. Dock reconfiguration is needed for better boat access with a new boat lift.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/october/f-2021-0642consistcert.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 date November 12, 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-2021-0688

Date of Issuance – October 13, 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-2021-0688, Walter Short, is proposing to rebuild and expanded an existing boathouse. The resulting structure would cover 1,851 square feet of water and reach a height of 18' 8" above ordinary high

water. The existing cribs would remain, and the new structure would be supported on 6" steel pipe piles and an existing concrete dock. The applicant also proposed to dredge ~140cy of material from an 1,822 square foot area of river bottom within and adjacent to the boathouse with upland placement of the dredged material.

The proposal is for the applicant's property on the St. Lawrence River at 42792 County Route 100 on Wellesley Island in the Town of Orleans, Jefferson County.

The stated purpose of the proposed action is to, "Create a larger boat slip to accommodate the applicant's vessel, construct a more functional boathouse, repair and restore the existing docks."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/f-2021-0688publicnotice.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 12, 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-2021-0694

Date of Issuance – October 13, 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-2021-0694, Peter Gustafson, is proposing to remove the remnants of three existing crib docks (two ~8' x 30' and a 12' x 30') which supported a previously removed boathouse. The removed rock material (~125cy) would be spread on the river bottom. In addition, the project would include installing a new docking structure. The docking structure would include two 8' x 30' floating docks supported by a single 6" pile each and accessed by new 6' x 4' ramps and an 8' x 50' fixed dock supported by 6" piles. In addition, a shoreline parallel pile supported dock is proposed to be placed along ~60 linear feet of shoreline and would extend over the Ordinary High Water mark by up to 5'2". The applicant is also proposing to maintain an as built ~41' x 31' single bay crib supported boathouse inclusive of the boathouse, exterior docks and associated access ramp.

The proposal is for the applicant's property on Manzanita Island in the St. Lawrence River in the Town of Hammond, Jefferson County.

The stated purpose of the proposed action is, "To replace the dock-age that was lost to the Halloween storm of 2019 with more sustainable and usable floating docks."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/f-2021-0694publicnotice.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 12, 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-2021-0722

Date of Issuance – October 13, 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-2021-0722, Anthony and Beatrice Falcone, are proposing to construct a 4' x 6' platform to a 2.5' x 14' aluminum ramp to a 6' x 20' floating dock. The project is located at 405 Williamsburg Drive, Town of Southold, Suffolk County, Corey Creek.

The stated purpose of the proposed action is to moor the applicant's boat.

The applicant's consistency certification and supporting information are available for review at: [https://dos.ny.gov/system/files/documents/2021/09/2021-09\\_f-2021-0722\\_anthony\\_beatrice\\_falcone.pdf](https://dos.ny.gov/system/files/documents/2021/09/2021-09_f-2021-0722_anthony_beatrice_falcone.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 12, 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-2021-0775

Date of Issuance - October 13, 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-2021-0775, Rhys Cosma is proposing to remove and reconstruct-in-place 38 linear feet of Navy Style bulkhead along the west side. Remove an additional 40 lf of bulkhead and install 30 lf of new Navy style bulkhead landward of the existing. Install (1) 8' return. Raise bulkhead 18" Install 18" wide wood capping on new bulkhead & 4' x 10' boardwalk. Install 4' x 25' wood pier, 30" x 15' wood ramp, 6' x 20' wood float and (2) 5' x 12' PVC jet ski floats. Dredge 10' out from the bulkhead to 4' below MLW for up to 25 cy and place

behind the bulkhead. Excavate 40 cy of clean fill from behind the existing bulkhead and place behind the new bulkhead.

The stated purpose of the proposed action is to stabilize the shoreline and allow for recreation 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/october/f-2021-0775consistcert.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 date November 12, 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-2021-0808

Date of Issuance – October 13, 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-2021-0808, Suffolk County Department of Public Works, is proposing to demolish and replace the existing Smith Point Bridge with a high-level fixed bridge, constructed on a new alignment located west of the existing bridge. The proposed project will also restore parkland/amenities where the existing bridge will be removed and perform wetland restoration. The project is located at 1 William Floyd Parkway, Town of Brookhaven, Suffolk County, Narrow Bay.

The stated purpose of the proposed action is to eliminate the structural deficiencies of the existing bridge, while also improving safety and pedestrian access.

The applicant's consistency certification and supporting information are available for review at: [https://dos.ny.gov/system/files/documents/2021/09/2021-09\\_f-2021-0808\\_smith\\_pt\\_brdg\\_rplcmt\\_app.pdf](https://dos.ny.gov/system/files/documents/2021/09/2021-09_f-2021-0808_smith_pt_brdg_rplcmt_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 12, 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-2021-0824

Date of Issuance – October 13, 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-2021-0824, Shell Oil Products, US proposes to dredge at their existing facility in New Haven, CT, with subsequent unconfined dredged material placement of approximately 19,555 cubic yards of material at the Central Long Island Sound Disposal Site (CLDS), Long Island Sound. The New England District Army Corps of Engineers has found the dredged material to be suitable for unconfined disposal at the CLDS, and the US Environmental Protection Agency Region 1 (EPA) has agreed.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/F-2021-0824ShellOilConsistencyCert.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 by Thursday, October 28, 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-2021-0827

Date of Issuance – October 13, 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-2021-0827, Little Round Island LLC is proposing the construction of two additional boat ports with 8' wide docks and steel pile supported fixed docks to attach to the existing crib supported docks. The entire structure to be covered by a new 60' x 67' pitched roof. The project is located on the St. Lawrence River at 15579 Little Round Island, Clayton, NY, 13624.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/10/f-2021-0827littleroundislandllc.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 12, 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  
Uniform Code Variance/Appeal Petitions

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

2021-0412 In the matter of Justin Hayes of JCH Reality of Whitesboro LLC, 10 White Pine Road, New Hartford, New York 13413, for a variance to the New York State Multiple Residence Law violations issues concerning life safety issues at 205 Beacon Street, City of Utica, Oneida County, 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.

2021-0464 Matter of Brookhaven Expeditors, Andrew Malguarnera, 713 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 29 Woodbine Avenue, Stonybrook; Town of Brookhaven, NY 11790, County of Suffolk, State of New York.

2021-0465 Matter of Andrew Malguarnera, 713 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 44 Forest Road, Centereach; Town of Brookhaven, NY 11720, County of Suffolk, State of New York.

2021-0466 Matter of Renew Properties, Edward Krug, 39 Isle of Wight Road, East Hampton, NY 11937, for a variance concerning safety requirements, including stair width and headroom. Involved is an existing one-family dwelling located at 15 Dayton Lane, Village of East Hampton, NY 11937, County of Suffolk, State of New York.

2021-0467 Matter of SB Architecture PC, Sean Bird, 1049 Park Blvd., Massapequa Park, NY 11762, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 18 Astro Place, Dix Hills; Town of Huntington, NY 11746, County of Suffolk, State of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance/Appeal Petitions

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wise 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.

2021-0479 Matter of New York State Department of Transportation located at 8088 Route 16, Town of Franklinville (County of Cattaraugus), NY, for a variance concerning sprinkler system. (Board Variance)

### **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.

2021-0480 Matter of James Milks (41 Hamlin LLC) located at 27-41 Hamlin Avenue, Village of East Aurora (County of Erie), NY, for a variance concerning gas meter and gas piping requirement. (Board Variance)

# EXECUTIVE ORDERS

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**Executive Order No. 2.1: Continuing the Declaration of a Disaster Emergency in the Counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester and Contiguous Counties.**

WHEREAS, on September 1, 2021 and continuing thereafter, Post-Tropical Depression Ida created hazardous conditions in New York State which pose an imminent danger to public transportation, utility service, public health, and public safety systems within the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester, and contiguous counties;

WHEREAS, Tropical Storm Ida produced torrential rainfall, and flooding. These conditions caused in excess of 31,300 power outages, downed trees, localized flash flooding, road closures, travel disruptions, and damage to public and private property throughout the impacted areas, which continue to pose a threat to the public health and safety;

WHEREAS, on September 2, 2021, I issued Executive Order 2 declaring a State Disaster Emergency within the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester, and contiguous counties;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the state disaster emergency as set forth in Executive Order 2 and continue the terms, conditions, and suspensions contained in Executive Order 2 until October 17, 2021;

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily modify, for the period from the date of this Executive Order through October 17, 2021, the following laws:

- Section 179-S of the State Finance Law to the extent necessary to no longer require the approval of the Attorney General and the State Comptroller for such contracts necessary to respond to the emergency.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this seventeenth day of September in the year two thousand twenty-one.

*BY THE GOVERNOR*  
/S/ Kathy Hochul  
/s/ Karen Persichilli Keogh  
*Secretary to the Governor*

