
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Professional Policing Standards
- Minimum Standards for Form, Consent and Sale of Health Insurance, Including Standards of Full and Fair Disclosure
- Ventilation Requirements

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

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 19, 2021
- the 45-day period expires on December 4, 2021
- the 30-day period expires on November 19, 2021

**KATHY HOCHUL
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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

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

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

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



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

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

 printed on recycled paper

NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

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

Rule Making Activities

Alcoholism and Substance Abuse Services, Office of

- 1 / Children and Family Treatment Support Services (P)
- 1 / Incident Reporting in OASAS Certified, Licensed, Funded, or Operated Services (P)
- 2 / Provision of Problem Gambling Treatment and Recovery Services (P)
- 3 / Tobacco-Limited Services (P)

Commissioner of Pilots, Board of

- 5 / Rate Adjustments for Pilot Services (A)

Criminal Justice Services, Division of

- 5 / Professional Policing Standards (EP)

Financial Services, Department of

- 8 / Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure (E)
- 12 / Disclosure Requirements for Certain Providers of Commercial Financing Transactions (P)

Long Island Railroad Company

- 14 / Notice of expiration

Manhattan and Bronx Surface Transit Operating Authority

- 14 / Notice of expiration

Metro-North Commuter Railroad

- 15 / Notice of expiration

Metropolitan Transportation Agency

- 15 / Notice of expiration

New York City Transit Authority

- 15 / Notice of expiration

Public Service Commission

- 15 / Electric Metering Equipment (P)
- 15 / Waiver of Tariff Rules and a Related Commission Regulation (P)

State, Department of

- 16 / Ventilation Requirements (EP)

State University of New York

- 18 / Holiday Leave (A)
- 18 / Appointment of Employees; Eligibility (A)
- 18 / State Basic Financial Assistance for Operating Expenses of Community Colleges Under the Program of SUNY and CUNY (A)
- 18 / College Fees (A)
- 19 / State University of New York Tuition and Fees Schedule (A)

Staten Island Rapid Transit Operating Authority

- 19 / Notice of expiration

Hearings Scheduled for Proposed Rule Makings / 20

Action Pending Index / 23

Securities Offerings

73 / State Notices

Advertisements for Bidders/Contractors

75 / Sealed Bids

Notice of Availability of State and Federal Funds

79 / Homeland Security and Emergency Services, Division of

Miscellaneous Notices/Hearings

83 / Notice of Abandoned Property Received by the State Comptroller

83 / Public Notice

Executive Orders

85 / Executive Order No. 3: Continuing the Declarations of Disaster Emergencies.

85 / Executive Order No. 4: Declaring a Statewide Disaster Emergency Due to Healthcare Staffing Shortages in the State of New York.

89 / Executive Order No. 5: Declaration of a Disaster Emergency in the Counties of the Bronx, Kings, New York, Richmond and Queens Due to Conditions at Rikers Island Correctional Center.

RULE MAKING ACTIVITIES

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

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

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

Office of Alcoholism and Substance Abuse Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Children and Family Treatment Support Services

I.D. No. ASA-42-21-00008-P

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

Proposed Action: This is a consensus rule making to amend Part 823 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01; 42 U.S.C. sections 1396d(r)(5); 18 NYCRR, section 505.38

Subject: Children and Family Treatment Support Services.

Purpose: Identify services and designation process for children and family treatment and support services.

Text of proposed rule: [Children's services] *Children and Family Treatment and Support Services*

§ 823.1 is amended to read as follows:

This regulation contains requirements applicable to rehabilitative health and behavioral health services available to children/youth, up to age twenty-one (21) and their families through the federal Early Periodic Screening, Diagnostic and Treatment (EPSDT) program in New York. *These services are hereby referred to by the state agencies as Children and Family Treatment and Support Services (CFTSS).*

§ 823.2 is amended to read as follows:

The provisions of this Part are applicable to all programs and providers *certified*, funded or [certified] *otherwise authorized* by the Office who seek certification *or designation* by the Office to offer rehabilitative health

and behavioral health services for children/youth as such services are defined in this Part.

§ 823.3 is amended to read as follows:

(a) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner of the Office of Alcoholism and Substance Abuse Services (Commissioner) to adopt standards including necessary rules and regulations pertaining to [chemical dependence] *addiction* services.

Existing § 823.9 is deleted as follows and § 823.10 is renumbered § 823.9:

[§ 823.9 Incorporation by Reference

The provisions of the Children's Health and Behavioral Health Services Transformation Medicaid State Plan Provider Manual which have been incorporated by reference in this Part, have been filed in the Office of the Secretary of the State of New York, the publication so filed being the document entitled: Children's Health and Behavioral Health Services Transformation Medicaid State Plan Provider Manual, published in March 2016 and any subsequent updates. This document incorporated by reference may be examined at the Office of the Department of State, 99 Washington Avenue, Albany, NY 12231 or obtained from the Office of Alcoholism and Substance Abuse Services, 1450 Western Avenue, Albany, NY 12203.]

Text of proposed rule and any required statements and analyses may be obtained from: Kelly Grace, NYS Office of Addiction Services and Supports, 1450 Western Avenue, Albany, NY 12203, (518) 485-2312, email: Kelly.Grace@oasas.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.

Consensus Rule Making Determination

This consensus rulemaking proposes the following changes to Part 823: changing the regulation title consistent with the Department of Health (DOH) and Office of Mental Health (OMH); technical corrections which include correctly referencing programs which fall under the purview of OASAS eligible for certification or designation in accordance with Part 823 and correcting the Incorporation by Reference of the Children and Family Treatment and Support Services (CFTSS) Manual, which is incorporated by reference in Part 800 along with all other documents incorporate by reference in OASAS regulations.

OASAS has not approved any eligible OASAS program to be designated or certified in accordance with the provisions of the Part 823. OASAS is proposing this rulemaking as a consensus rulemaking as it likely that no person will object to the proposed changes.

Job Impact Statement

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the amended regulation does not impose any new employment or training requirements on providers of children and family treatment and support services.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Incident Reporting in OASAS Certified, Licensed, Funded, or Operated Services

I.D. No. ASA-42-21-00009-P

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

Proposed Action: Amendment of Part 836 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 19.07(c), (e), 19.09(b), 19.20, 19.20-a, 19.21(b), 19.40, 22.07(c), 32.01, 32.02, 32.07(a), 33.16,

33.23, 33.25; Executive Law, sections 296, 491, 495; Civil Service Law, section 50; Corrections Law, art. 23-A; Protection of People with Special Needs Act, L. 2012, ch. 501

Subject: Incident Reporting in OASAS certified, licensed, funded, or Operated Services.

Purpose: To update and clarify existing language.

Substance of Proposed Rule (Full text is posted at the following State website: https://oasas.ny.gov/legal?f%5B0%5D=filter_term%3A231): The Proposed rule amends Part 836 as follows:

§ 836.1 Background and intent. Replaces references to chemical dependence and compulsive gambling with “addiction” and updates name of office to “Addiction Services and Supports”.

§ 836.2 Legal base. Replaces references to chemical dependence and compulsive gambling with “addiction” and updates name of office to “Addiction Services and Supports”.

§ 836.4 Definitions. Clarifies the definition of “reportable incident” in addition to technical amendments.

§ 836.5 Incident management plan and incident review committee. Replaces references to chemical dependence and compulsive gambling with “addiction” and updates name of office to “Addiction Services and Supports”.

§ 836.6 Incident reporting, notice, and investigations in facilities and provider agencies certified, licensed or operated by the Office. Clarifies when notice to the Office must be given, in addition to technical amendments.

§ 836.8 Additional notice and reporting requirements for reportable incidents. Clarifies death notification requirements.

Text of proposed rule and any required statements and analyses may be obtained from: Kelly E. Grace, Senior Attorney, OASAS, 1450 Western Ave., Albany NY 12203, (518) 366-7958, email: Kelly.Grace@oasas.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: § 841.2 Legal base

(a) Section 19.07(c) of the Mental Hygiene Law provides that the Office of Alcoholism and Substance Abuse Services is responsible for seeing that persons who abuse or are dependent on alcohol and/or substances and their families are provided with care and treatment which is effective and of high quality.

(b) Section 19.07(e) of the Mental Hygiene Law authorizes the Commissioner to adopt standards including necessary rules and regulations pertaining to addiction services.

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

(d) Section 19.20 of the Mental Hygiene Law charges the Office with reviewing the criminal history information concerning prospective employees of OASAS providers.

(e) Section 19.20-a of the Mental Hygiene Law authorizes the Office to receive criminal history information from the division of Criminal Justice.

(f) Section 19.21(b) of the Mental Hygiene Law charges the Office with enforcement of facilities and staff for chemical dependence facilities.

(g) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for the provision of chemical dependence services.

(h) Section 22.07(c) of the Mental Hygiene Law authorizes the Commissioner to adopt rules and regulations to ensure that the rights of individuals who have received or are receiving chemical dependence services are protected.

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

(j) Section 32.02 of the Mental Hygiene Law authorizes the Commissioner of the Office to adopt regulations necessary to ensure quality services to those suffering from problem gambling disorder.

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

(l) Section 33.16 of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary to regulate access to clinical records.

(m) Section 33.23 of the Mental Hygiene Law governs incident reporting.

(n) Section 33.25 of the Mental Hygiene Law governs the release of records pertaining to allegations an investigations of abuse and mistreatment.

(o) Section 296 of the Executive Law governs the unlawful discriminatory practices in relation to credit.

(p) Section 491 of the Executive Law authorizes the Office to enter into any agreement or contract with private or public agencies, corporations or individuals necessary to carry out the provisions of the Article.

(q) Section 495 of the Executive Law authorizes the state inspector general with duties and responsibilities related to incident reporting.

(r) Article 23-A of the Corrections Law relates to the licensure and employment of persons previously convicted of one or more criminal offenses.

(s) Protection of People with Special Needs Chapter 501 of the Laws of 2012 establishes the Justice Center for the Protection of People with Special Needs.

2. Legislative Objectives: The legislature has authorized OASAS to establish regulations governing the incident reporting in OASAS certified, licensed, funded or operated services, and this amendment updates terminology and aligns the regulatory language with current practice.

3. Needs and Benefits: The purpose of the proposed rule is that it brings the regulatory language in Part 841 in alignment with current and less stigmatizing terminology (such as OASAS/Office of Addiction Services and Supports) and clarifies reporting requirements in the regulation. OASAS worked closely in conjunction with the Justice Center to clarify and simplify this language. The clarification of the reporting requirements provides the benefit of enabling providers to better understand the requirements, and therefore better able to follow the requirements.

4. Costs: No additional administrative costs to the agency and/or providers are anticipated.

5. Paperwork: There is no additional paperwork beyond what is already required.

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

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

8. Alternatives: The alternative is to leave the regulation as it currently reads, with outdated language.

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

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the amended regulation does not impose any new requirements on providers, in fact it reduces administrative burden.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the changes do not impose any new requirements, they actually seek to reduce administrative burden.

Job Impact Statement

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed amendments to Part 836, mainly because the changes only update and clarify existing language.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Provision of Problem Gambling Treatment and Recovery Services

I.D. No. ASA-42-21-00010-P

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

Proposed Action: Amendment of Part 857 of Title 14 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

Statutory authority: Mental Hygiene Law, sections 19.07(a), 19.09(b), 19.20, 19.20(a), 32.01, 32.02 and 32.07

Subject: Provision of problem gambling treatment and recovery services.

Purpose: Identify the requirements for provision of problem gambling services.

Substance of proposed rule (Full text is posted at the following State website: oasas.ny.gov): In addition to technical amendments updating this regulation consistent with Title 14, the Proposed Rule amends Part 857 as follows:

§ 857.3 Applicability. Removes reference to gambling provided as a secondary diagnosis, making this regulation applicable to all OASAS programs; and removes reference to waiver programs which no longer exist.

§ 857.4 Definition. Removes, updates and consolidates various definitions.

§ 857.5 Designation to provide gambling treatment services. Removes references to gambling-only services and waiver programs.

§ 857.6 Medicaid/Insurance Claims. Removes references to gambling-only services and updates language (“designation” rather than “approval”).

§ 857.7 General program standards. Updates to language accordingly; removes reference to waiver programs and gambling only services; updates criteria for provision of gambling disorder consistent with definition; requires level of care determination using appropriate tool; requires mental health screening.

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

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

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

Regulatory Impact Statement

1. Statutory Authority:

(a) Section 19.07(a) of the Mental Hygiene Law charges the Office of Addiction Services and Supports (OASAS or “Office”) with assuring the development of comprehensive plans, programs and services for research, prevention, care, treatment, rehabilitation, education and training related to substance use disorder and compulsive gambling.

(b) Section 19.09 (b) of the Mental Hygiene Law allows the commissioner to adopt regulations necessary and proper to implement any matter under the commissioner’s jurisdiction.

(c) Section 19.20 of the Mental Hygiene Law authorizes the Office to receive and review criminal history information from the Justice Center related to employees or volunteers of treatment facilities certified, licensed or operated by the Office.

(d) Section 19.20-a of the Mental Hygiene Law authorizes the Office to receive and review criminal history information from the Justice Center related to persons seeking to be credentialed by the Office or applicants for an operating certificate issued by the Office.

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

(f) Section 32.02 of the Mental Hygiene Law states the commissioner may adopt regulations necessary to ensure quality services to those suffering from compulsive gambling.

(g) Section 32.07 of the Mental Hygiene Law states the commissioner may adopt regulations to effectuate the provisions and purposes of article 32 of the Mental Hygiene Law.

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

3. Needs and Benefits: This regulation is amended and updated consistent with other regulations contained in Title 14. Additionally, provisions of this regulation are currently applicable only to those few programs that provide gambling only services and not the hundreds of programs certified, funded or otherwise authorized by OASAS which may provide gambling services and seek this optional operating certificate designation. In addition, there are no longer any waiver programs, all such programs have converted and are now certified.

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

5. Paperwork: There is no additional paperwork beyond what is already required.

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

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

8. Alternatives: The alternative is to leave the regulation as it currently reads, with language inconsistent with Title 14 and provisions applicable only to those few programs that provide gambling only services.

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

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance require-

ments on small businesses or local governments because the amended regulation does not impose any new requirements on problem gambling prevention, treatment or recovery service providers.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the amended regulation does not impose any new requirements on prevention, treatment or recovery programs providing problem gambling services.

Job Impact Statement

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

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

Tobacco-Limited Services

I.D. No. ASA-42-21-00012-P

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

Proposed Action: Amendment of Part 856 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 19.07(e), 19.09(b), 19.21(b), (d), 32.01, 32.07(b); Public Health Law, section 1399-O

Subject: Tobacco-Limited Services.

Purpose: The purpose of the rule is to change the requirement from tobacco “free” services to tobacco “limited” services.

Text of proposed rule: TOBACCO-LIMITED SERVICES [TOBACCO-FREE SERVICES]

Section 856.1 Background and intent

(a) To reduce addiction, illness and death caused by tobacco products.

(b) To provide a healthy and supportive environment for staff, patients, volunteers and visitors to entities organized and operating pursuant to the provisions of this Title and certified and/or funded by the *Office of Addiction Services and Supports* [Office of Alcoholism and Substance Abuse Services] (“the Office”) as a provider of prevention, treatment or recovery services for *substance use disorders and problem gambling* [alcoholism, substance abuse, chemical dependence and/or gambling].

(c) To establish *tobacco-limited services for patients in a tobacco-limited environment* [tobacco-free services in a tobacco-free environment].

(d) To establish evidence-based practices for the identification and treatment of tobacco use disorder during program admission.

Section 856.2 Legal base

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

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

(c) Section 19.21(b) of the Mental Hygiene Law requires the Commissioner to establish and enforce certification, inspection, licensing and treatment standards for *substance use disorder treatment* [alcoholism, substance abuse, and chemical dependence] facilities.

(d) Section 19.21(d) of the Mental Hygiene Law requires the Commissioner to promulgate regulations which establish criteria to assess *substance use disorder* [alcoholism, substance abuse, and chemical dependence] treatment effectiveness and to establish a procedure for reviewing and evaluating the performance of providers of services in a consistent and objective manner.

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

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

(g) *Section 1399-O of the Public Health Law regulates smoking and vaping in certain public areas.*

Section 856.3 Applicability

(a) This Part applies to any *program organized and operating pursuant to the provisions of this Title and certified, funded, or otherwise autho-*

ized by the Office as a provider of prevention, treatment, or recovery substance use disorder services for adults. This Part shall not apply to prevention, treatment, or recovery services for children, youth, and/or young adults, which must remain tobacco-free. [entity (“the service”) organized and operating pursuant to the provisions of this Title and certified and/or funded by the Office of Alcoholism and Substance Abuse Services (“the Office”) as a provider of prevention, treatment or recovery services for chemical dependence and/or gambling].

(b) Nothing in this Part shall be construed to limit the authority of a program organized and operating pursuant to the provisions of this Title and certified, funded, or otherwise authorized by the Office as a provider of prevention, treatment, or recovery substance use disorder services for adults to remain or to choose to be a tobacco-free program or service.

Section 856.4 Definitions

(a) Tobacco-limited means prohibiting the use of all tobacco products and nicotine delivery systems in facilities and in vehicles owned or operated by the program subject to this Part, while allowing for limited use of certain tobacco products by patients in designated areas on facility grounds at designated times, in accordance with guidance issued by the Office. [Tobacco-free means prohibiting the use of all tobacco products in facilities, on grounds and in vehicles owned or operated by the service subject to this Part].

(b) Facility means certain parts of the program that are utilized by patients, staff, volunteers, or visitors. This shall include the programs’ buildings which are under the direct control of the facility and vehicles that are owned and operated by the program [any part of the service that is utilized by patients, staff, volunteers or visitors. This shall include the service buildings and grounds which are under the direct control of the facility and vehicles that are owned and operated by the facility].

(c) Facility grounds means any part of the program that is outdoors, is utilized by patients, staff, volunteers, or visitors and is under direct control of the program.

(d) [(c)] Tobacco products include but are not limited to cigarettes, cigars, pipe tobacco, roll-your-own tobacco, and smokeless tobacco.

(e) Nicotine delivery systems means any electronic or modified mechanical devices that deliver aerosolized nicotine, flavorings, and/or other chemicals by inhalation of a non-combustible liquid or gel, and any refills, cartridges, and/or any other component of such devices.

(e) [(d)] Patient means any recipient of services in a facility certified, funded, or otherwise authorized [or funded] by the Office.

Section 856.5 Policy and procedures

(a) The governing authority of the program [service] that chooses to become a tobacco-limited program [service] shall determine and establish written policies, procedures and methods governing the provision of a tobacco-limited environment. [tobacco-free environment]. These policies, procedures and methods should at a minimum include the following:

(1) Defines the parts of the facility and vehicles where tobacco use is not permitted [facility, vehicles and grounds which are tobacco-free];

(2) Defines designated areas on facility grounds where limited use of certain tobacco products by patients is permitted in accordance with guidance issued by the Office and Public Health Law Section 1399-O;

(a) Use of nicotine delivery systems by patients shall not be permitted;

(b) Use of tobacco products and/or nicotine delivery devices by family members and other visitors shall not be permitted;

(4) Limits tobacco products that family members and other visitors can bring to patients admitted to the program to closed and sealed packages of cigarettes. [(2) Prohibits patients, family members, and other visitors from bringing tobacco products and paraphernalia to the service];

(5) [(3)] Requires all patients, staff, volunteers and visitors be informed of the tobacco-limited [tobacco-free] policy including posted notices and the provision of copies of the policy;

[(4) Prohibits staff from using tobacco products while at work, during work hours;]

(6) Establishes a policy prohibiting staff and volunteers from using tobacco products or nicotine delivery systems when they are on the site of the program, from purchasing tobacco products or nicotine delivery systems for, or giving tobacco products or nicotine delivery systems to patients, and from using tobacco products or nicotine delivery systems with patients [tobacco-free policy for staff while they are on the site of the service];

(6) Describes employee assistance programs and other programs that will be made available to staff who want to stop using tobacco products, nicotine delivery systems, or other nicotine-containing products; [Establishes treatment modalities for patients who use tobacco];

(7) Establishes evidence-based harm reduction and cessation treatment modalities for patients who use tobacco products or nicotine delivery systems, in accordance with guidance from the Office;

(8) Establishes a policy prohibiting patients from using tobacco products during program hours except for the limited use of certain

tobacco products in designated areas of the facility grounds at designated times, in accordance with guidance issued by the Office;

(9) Describes required annual training for staff, including clinical, non-clinical, administrative and volunteers about tobacco products, nicotine dependence, and tobacco use disorder that is sufficient for the program to operate a holistic approach to tobacco use disorder that is evidenced in progress notes, policies and procedures, perception of care, and outcomes [(7) Describes training on tobacco use and nicotine dependence available to staff including clinical, non-clinical, administrative and volunteers];

(10) [(8)] Describes tobacco and nicotine prevention and education programs made available by the service to patients, staff, volunteers and others;

(11) Establishes procedures, including a policy to address patients who continue to use or return to use of tobacco products or nicotine delivery systems. This policy shall be incorporated into the policy and procedures as required by all programs for adults certified, funded or otherwise authorized by this Title and every effort shall be made to provide appropriate treatment services to all persons in need of substance use disorder treatment services. Additionally, each facility shall address staff who continue to use or return to use of tobacco products consistent with the requirements of 856.5(a)(5) of this Title and the employment procedure of that facility. [(9) Establishes procedures, including a policy to address patients who relapse on tobacco products. This policy shall incorporate the policy and procedures contained in 816.5(g), 817.4(o), 818.4(o), 819.4(o), 820.7(a), 821.4(v), 822.4(u), 828.14(b),(c), (d), and every effort shall be made to provide appropriate treatment services to all persons in need of alcohol and drug addiction services. Additionally, each facility shall address staff relapse consistent with the employment procedure of that facility.]

Section 856.6 Severability

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

Section 856.7 Effective Date

[This regulation will be effective July 24, 2008.]

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

§ 841.2 Legal base

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

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

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

(d) Section 19.21(d) of the Mental Hygiene Law requires the Commissioner to promulgate regulations which establish criteria to assess substance use disorder treatment effectiveness and to establish a procedure for reviewing and evaluating the performance of providers of services in a consistent and objective manner.

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

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

(g) Section 1399-O of the Public Health Law regulates smoking and vaping in certain public areas.

2. Legislative Objectives: The legislature has authorized OASAS to establish regulations governing programs organized and operating pursuant to Title 14 and certified, funded, or otherwise authorized by the Office as a provider of prevention, treatment, or recovery substance use disorder services. The objective of the present changed to Part 856 is to allow programs to become “tobacco limited” (rather than tobacco free) and therefore allowing for a more patient-centered approach that respects their

choice to continue using tobacco products, while working towards cessation through shared decision making.

3. Needs and Benefits: Currently, Part 856 is written as “Tobacco-Free Services” and does not allow for the limited use of tobacco products by those entering treatment. OASAS has recognized that tobacco-free environment may lead prospective patients to not seek out treatment and therefore has been identified as a major barrier to treatment. The amendments to Part 856 simply change tobacco-free services to tobacco-limited services, allowing for very limited use of tobacco products in designated areas in programs organized and operating pursuant to Title 14 and certified, funded, or otherwise authorized by OASAS as a provider of prevention, treatment, or recovery substance use disorder services.

4. Costs: No additional administrative costs to the agency and/ or providers are anticipated.

5. Paperwork: There is no additional paperwork beyond what is already required.

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

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

8. Alternatives: The alternative is to leave the regulation as it currently reads, not allowing any use of tobacco products, and therefore continuing to be a major barrier to seeking services.

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

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the amended regulation does not impose any new requirements on providers. The amendments to Part 856 simply change tobacco-free services to tobacco-limited services, allowing for very limited use of tobacco products in designated areas in programs organized and operating pursuant to Title 14 and certified, funded, or otherwise authorized by OASAS as a provider of prevention, treatment, or recovery substance use disorder services.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the changes do not impose any new requirements. The amendments to Part 856 simply change tobacco-free services to tobacco-limited services, allowing for very limited use of tobacco products in designated areas in programs organized and operating pursuant to Title 14 and certified, funded, or otherwise authorized by OASAS as a provider of prevention, treatment, or recovery substance use disorder services.

Job Impact Statement

No change in the number of jobs and employment opportunities is anticipated as a result of the proposed amendments to Part 856. The amendments to Part 856 simply change tobacco-free services to tobacco-limited services, allowing for very limited use of tobacco products in designated areas in programs organized and operating pursuant to Title 14 and certified, funded, or otherwise authorized by OASAS as a provider of prevention, treatment, or recovery substance use disorder services.

Board of Commissioner of Pilots

NOTICE OF ADOPTION

Rate Adjustments for Pilot Services

I.D. No. COP-24-21-00011-A

Filing No. 1065

Filing Date: 2021-10-05

Effective Date: 2021-10-05

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

Action taken: Amendment of section 55.1 of Title 21 NYCRR.

Statutory authority: 21 NYCRR, section 55.2

Subject: Rate adjustments for pilot services.

Purpose: To adjust rates for pilot services to align them with current market practices.

Text or summary was published in the June 16, 2021 issue of the Register, I.D. No. COP-24-21-00011-P.

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

Text of rule and any required statements and analyses may be obtained from: Andrew J. Garger, Board of Commissioners of Pilots, 17 Battery Park Place, Suite 1230, New York, NY 10004, (212) 425-5027, email: ajgarger@nypilotcommission.org

Assessment of Public Comment

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

Division of Criminal Justice Services

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

Professional Policing Standards

I.D. No. CJS-42-21-00004-EP

Filing No. 1064

Filing Date: 2021-10-04

Effective Date: 2021-10-16

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

Proposed Action: Repeal of Parts 6000, 6056; addition of new Parts 6000 and 6056 to Title 9 NYCRR.

Statutory authority: Executive Law, sections 837(13), 840(2), (2-b), 845(1), (2), (3); General Municipal Law, section 209-q; L. 2021, ch. 59, part BBB

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

Specific reasons underlying the finding of necessity: I, Michael C. Green, Executive Deputy Commissioner of the Division of Criminal Justice Services (Division), do hereby repeal and add Parts 6000 and 6056 of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York; and do hereby certify that the attached text of Parts 6000 and 6056 of Title 9 of the Official Compilation of Codes, Rules and Regulations is complete and accurate. Accordingly, I hereby promulgate the attached regulations.

I determined that it is necessary for the preservation of public safety and the general welfare of people of the State of New York that the attached regulations be adopted on an emergency basis, as authorized by section 202(6) of the State Administrative Procedure Act, effective immediately upon filing with the Department of State.

At the forefront of the national discussion involving policing in America is law enforcement’s use of excessive force and other misconduct, and public unrest and distrust in the law enforcement profession. Part BBB of Chapter 59 of the Laws of 2021 establishes the “New York State Professional Policing Act of 2021” to enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation. The attached amendments will create a regulatory framework for hiring standards, including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the Division to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

Maintaining public safety is imperative as it will foster better relations between police and the communities they serve. The failure to promulgate this rule on an emergency basis, and the failure to hold police officers who engage in serious misconduct accountable and to prevent bad actors from serving as police officers, will undermine public safety. For that reason, it

would, in this case, be contrary to the general welfare of the People of the State of New York to adhere to the normal requirements of the rule-making process.

NOW, THEREFORE, be it known that the attached rules and regulations are duly adopted pursuant to the authority vested in me by Executive Law § 837(13) and shall be effective immediately upon filing with the Department of State.

Subject: Professional Policing Standards.

Purpose: Implementation of the “New York State Professional Policing Act of 2021”.

Substance of emergency/proposed rule (Full text is posted at the following State website: <https://www.criminaljustice.ny.gov/>): Part BBB of Chapter 59 of the Laws of 2021 establishes the “New York State Professional Policing Act of 2021” to hold police officers who engage in serious misconduct accountable and prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

The amendments will create the regulatory framework for hiring standards, including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the New York State Division of Criminal Justice Services (“Division”) to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

Summary of Part 6000

With the enactment of the New York State Professional Policing Act of 2021, the Municipal Police Training Council was directed to establish rules and regulations pertaining to the psychological requirements and background investigations of persons for provisional or permanent appointment in the competitive class of the civil service as police officers of any county, city, town, village or police district to determine the candidate’s fitness and eligibility. These regulations are intended to ensure that all persons appointed to the position of police officer are held to the same hiring standards, and promote professional police services. All law enforcement officers must be of good moral character as determined by a thorough background investigation to ensure persons who engage in illegal, dishonest, unprofessional, unethical, or immoral conduct are prohibited from becoming police officers, and to protect against acts or conduct which may endanger the safety and welfare of the public. All police officers must also be emotionally stable and psychologically fit to perform the essential functions of a police officer, and endure the uniquely stressful working conditions. Consistent background investigation procedures and standards, as set forth in section 6000.10 of this Part, and psychological standards, as set forth in section 6000.11 of this Part, will ensure that all New York police agencies and police officers are held to identical hiring standards with the goal of ensuring that police interactions with all individuals are appropriate and that the rights of all parties are respected.

Summary of Part 6056

Historically, when an officer separated from a department after a disciplinary hearing, or resigned or retired while disciplinary proceedings were pending, there was no reporting mechanism in place to ensure the invalidation of the officer’s training certificate. These “certified” officers were attractive candidates to other departments for a variety of reasons, but they were hired in relative anonymity with respect to the misconduct leading to their prior separation. In 2016, the Division adopted regulations to prevent these occurrences by defining removal for cause and removal during probationary period; compelling police departments to report, to the Division, officers who cease to serve in their departments and the reasons for such; and immediately invalidating a training certificate when an officer is removed for cause or removed during a probationary period.

Presently, removal for cause means removal after a hearing on stated charges pursuant to section 75 of the Civil Service Law, or retirement or resignation while disciplinary charges pursuant to section 75 of the Civil Service Law, which may result in removal, are pending. Removal during probationary period means a probationary period not successfully completed due to incompetence or misconduct that would have subjected a permanent employee to disciplinary charges pursuant to section 75 of the Civil Service Law.

Unfortunately, there are loopholes in the current structure. Under the new framework, removal for cause of a full-time or part-time police officer or peace officer means when an officer has an interruption in service subsequent to and in connection with allegations of misconduct which are known or should be known to the employer or any officer or employee of the employer agency or is being investigated by another agency or entity. Misconduct includes: (a) criminal activity, whether criminally charged or prosecuted, regardless of where the act took place if said conduct would

constitute an offense in New York; (b) dishonesty; (c) use of excessive force; (d) abuse; and (e) conflicts of interest. (2) Interruption from service includes separation: (a) pursuant to a hearing held under section 75 of the Civil Service Law; a collective bargaining agreement, or any general, special or local law, or charter provision in accordance with section 76 of the Civil Service Law; or any other applicable law; or (b) by an employee’s resignation or retirement; or (c) after an employee’s waiver of any rights available. Removal during a probationary period means a probationary period not successfully completed due to misconduct.

The amendments also create a resolution and due process structure when it appears to the Commissioner of the Division that there is a material inaccuracy in an employer’s reporting of the reason an officer ceased to serve.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire January 1, 2022.

Text of rule and any required statements and analyses may be obtained from: Natasha Harvin-Locklear, Esq., Division of Criminal Justice Services, 80 South Swan Street, Albany, New York 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority: The authority for the promulgation of these regulations is contained in Part BBB of Chapter 59 of the Laws of 2021, Executive Law Sections 837(13); 840(2) and (2-b); 845(1), (2), and (3) and General Municipal Law Section 209-q.

Part BBB of Chapter 59 of the Laws of 2021 establishes the “New York State Professional Policing Act of 2021.”

Executive Law Section 837(13) authorizes the Division of Criminal Justice Services (Division) to adopt, amend or rescind regulations “as may be necessary or convenient to the performance of the functions, powers and duties of the [D]ivision.”

Executive Law section 840(2) authorizes the Municipal Police Training Council to establish background investigation standards. Executive Law Section 840(2-b) empowers the Municipal Police Training Council to promulgate regulations regarding physical fitness and psychological requirements of police officers.

Executive Law Section 845(1) requires the Division to maintain a Central State Registry of Police Officers and Peace Officers. Executive Law Section 845(2) requires employers to notify the Division when an officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. Executive Law Executive Law section 845(3) authorizes the Division to establish rules and regulations for a permanent system of identification for each police officer, and a process when there is a discrepancy in reporting by employers.

Pursuant to General Municipal Law Section 209-q(1), a certificate of completion attesting to the fulfillment of the training requirements for police officers shall immediately be deemed invalid when an officer ceases to serve and the reason is removal for cause.

2. Legislative objectives: Part BBB of Chapter 59 of the Laws of 2021 establishes the “New York State Professional Policing Act of 2021” to hold police officers who engage in serious misconduct accountable and prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

3. Needs and benefits: The amendments will create regulatory framework for hiring standards including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the Division to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

4. Costs: The costs to the regulated parties, the agency, or state and local governments expected for the implementation of and continuing compliance with the rule are undetermined and may vary, and are contingent upon:

- Training on the new law, regulations, and requirements;
- Background investigations of police officer candidates, including, but not limited to, fingerprint-based criminal history searches, and polygraph examinations, unless prohibited by law. Many departments are currently conducting thorough checks;
- Psychological reviews of police officer candidates by a qualified psychiatrist or psychologist. Such psychological reviews are to be performed only after a conditional offer of employment has been given. Many departments are currently conducting such reviews;

- The use of existing resources;
- Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions;
- Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

5. Local government mandates: police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions. The amendments will merely add a requirement for a psychological review and standard minimum background investigation. Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

6. Paperwork: The employers may have paperwork within its agency. However, each employer shall submit all information required to be reported to the Division in the manner prescribed by the Division, such as utilizing the Division’s web-based records management system (or its successor).

7. Duplication: There are no other federal or State legal requirements that duplicate the proposed rule.

8. Alternatives: There are no alternatives. The existing rule required modification pursuant to legislation.

9. Federal standards: There are no federal standards.

10. Compliance schedule: Regulated parties are expected to be able to achieve compliance with the proposed rule beginning October 16, 2021.

Regulatory Flexibility Analysis

1. Effect of rule: The proposed rule applies to municipal police departments in New York State. The proposal does not apply to small businesses.

2. Compliance requirements: Part BBB of Chapter 59 of the Laws of 2021 establishes the “New York State Professional Policing Act of 2021” to hold police officers who engage in serious misconduct accountable and prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

The amendments will create regulatory framework for hiring standards including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the Division to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

3. Professional services: Professional printing and/or IT services may be needed to comply with the proposed rule.

4. Compliance costs: The costs to the regulated parties, the agency, or state and local governments expected for the implementation of and continuing compliance with the rule are undetermined and may vary, and are contingent upon:

- Training on the new law, regulations, and requirements;
- Background investigations of police officer candidates, including, but not limited to, fingerprint-based criminal history searches, and polygraph examinations, unless prohibited by law. Many departments are currently conducting thorough checks;
- Psychological reviews of police officer candidates by a qualified psychiatrist or psychologist. Such psychological reviews are to be performed only after a conditional offer of employment has been given. Many departments are currently conducting such reviews;
- The use of existing resources;
- Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions;
- Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

5. Economic and technological feasibility: No economic or technological impediments to compliance have been identified.

6. Minimizing adverse impact: Police officer candidates are already

required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions. The amendments will merely add a requirement for a psychological review and standard minimum background investigation. Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

7. Small business and local government participation: The amendments were discussed by the Municipal Police Training Council, which consists of members who are sheriffs, chiefs of police or commissioners of police, and the commissioner of New York City. The proposal does not apply to small businesses.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: The rule applies to every municipal police department in New York State. Many law enforcement agencies are located in rural areas.

2. Reporting, recordkeeping and other compliance requirements; and professional services: Part BBB of Chapter 59 of the Laws of 2021 establishes the “New York State Professional Policing Act of 2021” to hold police officers who engage in serious misconduct accountable and prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

The amendments will create regulatory framework for hiring standards including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the Division to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

Professional printing and/or IT services may be needed to comply with the proposed rule.

3. Costs: The costs to the regulated parties, the agency, or state and local governments expected for the implementation of and continuing compliance with the rule are undetermined and may vary, and are contingent upon:

- Training on the new law, regulations, and requirements;
- Background investigations of police officer candidates, including, but not limited to, fingerprint-based criminal history searches, and polygraph examinations, unless prohibited by law. Many departments are currently conducting thorough checks;
- Psychological reviews of police officer candidates by a qualified psychiatrist or psychologist. Such psychological reviews are to be performed only after a conditional offer of employment has been given. Many departments are currently conducting such reviews;
- The use of existing resources;
- Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions;
- Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

4. Minimizing adverse impact: Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions. The amendments will merely add a requirement for a psychological review and standard minimum background investigation. Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

5. Rural area participation: The amendments were discussed by the Municipal Police Training Council, which consists of members who are sheriffs, chiefs of police or commissioners of police, and the commissioner of New York City.

6. Minimizing adverse impact: Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions. The amendments will merely add a requirement for a psychological review and standard minimum background investigation. Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

7. Rural area participation: The amendments were discussed by the Municipal Police Training Council, which consists of members who are sheriffs, chiefs of police or commissioners of police, and the commissioner of New York City.

Job Impact Statement

1. Nature of impact: Part BBB of Chapter 59 of the Laws of 2021 establishes the “New York State Professional Policing Act of 2021” to hold police officers who engage in serious misconduct accountable and

prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

The amendments will create regulatory framework for hiring standards including psychological testing and enhanced background investigations. The amendments will also redefine removal for cause and establish a process for the Division of Criminal Justice Services (Division) to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified maybe ineligible for future certifications; thus, they may be prohibited from being employed as a police officer in New York.

2. Categories and numbers affected: The categories of jobs affected would be municipal police officers; however, it is difficult to estimate the number of jobs at issue.

3. Regions of adverse impact: The proposed rule applies equally throughout New York State. Prior to implementation of Chapter 59 of the laws of 2021, the New York City Police Department was exempt from the Municipal Police Training Council training requirements/certificate.

4. Minimizing adverse impact: When it shall appear to the Commissioner of the Division (or the Commissioner's designee) that there is a material inaccuracy in an employer's reporting of the reason an officer ceased to serve, the commissioner shall attempt to resolve the perceived inaccuracy. If such attempt does not promptly resolve the discrepancy, the Commissioner shall issue a notice to the employer and the officer who is the subject of such notification of the Commissioner's intent to amend the inaccuracy of such record.

Within 15 days of the receipt of said notice, the employer or the officer may forward to the Commissioner a written request for a hearing to be held by the Municipal Police Training Council to consider the accuracy of the agency's reporting of the reason an officer ceased to serve.

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-42-21-00001-E

Filing No. 1056

Filing Date: 2021-10-01

Effective Date: 2021-10-01

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

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

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

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

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

This amendment clarifies that an audio-only visit falls within the meaning of telehealth. Additionally, this amendment clarifies that for the purposes of telehealth, an insurer may engage in reasonable fraud, waste, and abuse detection efforts, including efforts to prevent payments for ser-

vices that do not warrant separate reimbursement. This amendment is not intended to require coverage of services for which no charge is normally made consistent with 11 NYCRR section 52.16(c)(8). The Department of Financial Services expects every health care plan to reimburse a provider offering telehealth services for audio-only visits when medically necessary.

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

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

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

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

(d) *Telehealth.*

(1) *Telehealth has the meaning set forth in Insurance Law sections 3217-h and 4306-g and includes audio-only visits.*

(2) *For the purposes of Insurance Law sections 3217-h and 4306-g, an insurer may engage in reasonable fraud, waste and abuse detection efforts, including to prevent payments for services that do not warrant separate reimbursement.*

Section 52.18(h) is added as follows:

(h) *Telehealth.*

(1) *Telehealth has the meaning set forth in Insurance Law sections 3217-h and 4306-g and includes audio-only visits.*

(2) *For the purposes of Insurance Law sections 3217-h and 4306-g, an insurer may engage in reasonable fraud, waste and abuse detection efforts, including to prevent payments for services that do not warrant separate reimbursement.*

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 29, 2021.

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

Regulatory Impact Statement

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

Financial Services Law section 202 establishes the office of the Superintendent of Financial Services ("Superintendent").

Financial Services Law section 302 and Insurance Law section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the Insurance Law and to effectuate any power granted to the Superintendent in the Insurance Law, Financial Services Law, or any other law.

Insurance Law section 3216 sets forth the standard provisions in individual accident and health insurance policies.

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

Insurance Law sections 3217-h and 4306-g provide that an insurer or corporation may not exclude from coverage a service that is otherwise covered under a policy or contract that provides comprehensive coverage for hospital, medical or surgical care because the service is delivered via telehealth.

Insurance Law section 3221 sets forth the standard provisions in group and blanket accident and health insurance policies.

Insurance Law section 4303 sets forth mandatory benefits in subscriber contracts issued by corporations organized under Insurance Law Article 43.

2. Legislative objectives: The statutory sections cited above establish the minimum standards for the form, content, and sale of health insurance, including standards of full and fair disclosure and standards for telehealth services. This proposed amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing sections of the Insurance Law by clarifying that telehealth services includes audio-only visits.

3. Needs and benefits: Telehealth played an indispensable role in providing quality care to those persons who needed health care services during the COVID-19 pandemic but could not visit their providers in person. As made evident by the COVID-19 pandemic, access to these services should not be limited to in-person or visual requirements. When clinically appropriate, an audio-only visit, such as by telephone, provides an essential form of access for New Yorkers. The availability of audio-only visits allows for more widespread access, particularly for mental health and

substance use disorder services, because no visual component is required. Additionally, encouraging people who do not need emergency care to use audio-only telehealth services may alleviate the stress that in-person visits put on our health care system. Failure to continue to enable the use of telehealth services through audio-only visits could result in New Yorkers losing access to care they have come to rely on throughout the COVID-19 pandemic, potentially disrupting the health and safety of the people of New York. Further, coverage of audio-only telehealth services is important because some New Yorkers, such as senior citizens, are not able to use video-enabled technology, like Zoom. Given the public health experience throughout the COVID-19 pandemic, it is essential that insureds continue to have access to health care services through audio-only telehealth visits. Thus, this amendment clarifies that an audio-only visit falls within the meaning of telehealth.

This amendment also clarifies that for the purposes of telehealth, an insurer may engage in reasonable fraud, waste, and abuse detection efforts, including efforts to prevent payments for services that do not warrant separate reimbursement. This amendment is not intended to require coverage of services for which no charge is normally made consistent with 11 NYCRR section 52.16(c)(8).

The Department of Financial Services (“Department”) expects every health care plan to reimburse a provider offering telehealth services for audio-only visits when medically necessary.

4. **Costs:** Health care plans may incur additional costs to comply with the amendment if they need to file new policy and contract forms and rates with the Department to clarify that audio-only visits fall within the meaning of telehealth. However, any costs should be minimal because health care plans submit policy and contract form and rate filings as a part of the normal course of business. In addition, the Department had previously issued an emergency regulation clarifying that telehealth includes services rendered by telephone; thus, health care plans already should have updated their forms and rates, accordingly.

Health care providers (“providers”) should not incur any additional costs as a result of this amendment.

This amendment may impose compliance costs on the Department because the Department may 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 Department.

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

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

8. **Alternatives:** The Department considered referencing telephone visits in the definition of telehealth. However, the Department decided to use broader language by referencing audio-only visits for consistency with the federal Centers for Medicare & Medicaid Services and in the event technology changes.

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

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

Regulatory Flexibility Analysis

1. **Effect of rule:** This rule affects health maintenance organizations and authorized insurers (collectively, “health care plans”) and health care providers (“providers”). This amendment clarifies that telehealth includes audio-only visits (e.g., telephone calls) and that, for the purpose of telehealth, an insurer may engage in reasonable fraud, waste, and abuse detection efforts, including efforts to prevent payments for services that do not warrant separate reimbursement. This amendment is not intended to cover services for which no charge is normally made consistent with 11 NYCRR section 52.16(c)(8).

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

This amendment does not affect local governments.

2. **Compliance requirements:** No local government will have to undertake any 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 affected by this amendment, if any, may be subject to reporting, recordkeeping, or other compliance

requirements as the health care plan may need to file new policy and contract forms and rates with the Superintendent of Financial Services.

A provider that is a small business should not be subject to additional 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 affected by this amendment should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

4. **Compliance costs:** No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business affected by this amendment, if any, may incur costs because it may need to file new policy or contract forms and rates. However, any costs should be minimal because health care plans submit policy or contract form and rate filings as a part of the normal course of business. In addition, the Department had previously issued an emergency regulation clarifying that telehealth includes services rendered by telephone; thus, health care plans already should have updated their forms and rates, accordingly.

A provider that is a small business should not incur additional costs as a result of the amendment.

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. The Department of Financial Services (“Department”) considered the approaches suggested in State Administrative Procedure Act (“SAPA”) section 202-b(1) for minimizing adverse impacts but did not find them applicable.

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

Rural Area Flexibility Analysis

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

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

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

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

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

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

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

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

Job Impact Statement

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

EMERGENCY RULE MAKING

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

I.D. No. DFS-42-21-00002-E

Filing No. 1057

Filing Date: 2021-10-01

Effective Date: 2021-10-01

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

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

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

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

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 COVID-19 vaccinations administered in the United States appear to be effective against the Delta variant. However, there are reported cases of breakthrough infections of vaccinated individuals and the CDC reports that “People who get vaccine breakthrough infections can be contagious.”

Currently, approximately 30% of New Yorkers have not been vaccinated. There is still a large population of New Yorkers who remain susceptible to COVID-19 and the possibility of New Yorkers becoming seriously ill or dying from the virus. Thus, there is still an urgent need to make COVID-19 testing available to the public, regardless of vaccination status, as one of the tools to be used to combat this virus. Given the public health implications related to COVID-19, it is essential that cost-sharing not serve as a barrier to testing for COVID-19.

Consistent with the federal Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), codified at 15 U.S.C. Section 9001 et seq., this amendment prohibits health care plans that provide hospital, surgical, or medical expense insurance policies or contracts from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for covered in-network laboratory tests to diagnose COVID-19 and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider’s office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for COVID-19, including an inpatient hospital admission, as otherwise permitted by law. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network providers in order to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible at any time, including when the services are provided, which is typically when such payment is collected.

Since the situation regarding COVID-19 is constantly evolving, and to ensure that cost-sharing does not serve as a barrier to testing for COVID-19, it is imperative that this amendment be promulgated on an emergency basis for the preservation of public health.

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

Purpose: To waive cost-sharing for in-network visits and laboratory tests necessary to diagnose the novel coronavirus (COVID-19).

Text of emergency rule: Section 52.16(p) is added as follows:

(p)(1) *No policy or contract delivered or issued for delivery in this State that provides hospital, surgical, or medical expense insurance coverage shall impose, and no insured shall be required to pay, copayments, coinsurance, or annual deductibles for the following services when covered under the policy or contract:*

(i) *in-network laboratory tests to diagnose the novel coronavirus (COVID-19); and*

(ii) *visits to diagnose the novel coronavirus (COVID-19) at the following locations, including through telehealth: an in-network provider’s office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose the novel coronavirus (COVID-19), or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for the novel coronavirus (COVID-19), including an inpatient hospital admission, as otherwise permitted by law.*

(2) *An insurer shall provide written notification to its in-network providers that they shall not collect any deductible, copayment, or coinsurance in accordance with this subdivision.*

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires December 29, 2021.

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

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

Financial Services Law section 202 establishes the office of the Superintendent of Financial Services (“Superintendent”).

Financial Services Law section 302 and Insurance Law section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the Insurance Law and to effectuate any power granted to the Superintendent in the Insurance Law, Financial Services Law, or any other law.

Insurance Law section 3216 sets forth the standard provisions in individual accident and health insurance policies.

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

Insurance Law section 3221 sets forth the standard provisions in group and blanket accident and health insurance policies.

Insurance Law section 4303 sets forth mandatory benefits in subscriber contracts issued by corporations organized under Insurance Law Article 43.

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

3. **Needs and benefits:** 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 COVID-19 vaccinations administered in the United States appear to be effective against the Delta variant. However, there are reported cases of breakthrough infections of vaccinated individuals and the CDC reports that “People who get vaccine breakthrough infections can be contagious.”

Currently, approximately 30% of New Yorkers have not been vaccinated. There is still a large population of New Yorkers who remain susceptible to COVID-19 and the possibility of New Yorkers becoming seriously ill or dying from the virus. Thus, there is still an urgent need to make COVID-19 testing available to the public, regardless of vaccination status, as one of the tools to be used to combat this virus. Given the public health implications related to COVID-19, it is essential that cost-sharing not serve as a barrier to testing for COVID-19.

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

The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network health care providers (“providers”) in order to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible at any time, including when the services are provided, which is typically when such payment is collected.

The Department of Financial Services (“Department”) expects every health care plan to reimburse a provider, including reimbursement for the insured’s waived copayment, coinsurance, or annual deductible, with respect to any impacted claims.

Given the public health implications related to COVID-19, it is essential that cost-sharing does not serve as a barrier to testing for COVID-19. The waiver of copayments, coinsurance, and annual deductibles is necessary to ensure that people are not deterred from seeing a provider and getting tested for COVID-19. Failure to do so could result in the further spread of this epidemic and could jeopardize the health and safety of the people of New York.

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 and they will need to provide the written notification to in-network providers regarding this amendment. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

This amendment may impose costs on providers because they will need to ensure that insureds are not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed, including at the time the services are provided. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims.

This amendment may impose compliance costs on the Department because the Department will need to review amended policy and contract forms and rates. However, any additional costs 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 are required to provide written notification to their in-network providers that the providers may not collect any deductible, copayment, or coinsurance for laboratory tests and visits to diagnose COVID-19. This notification may be provided electronically as part of existing communications that occur between health care plans and in-network providers. Health care plans may also need to file new policy and contract forms and rates with the Superintendent.

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

7. Duplication: This amendment does not duplicate, overlap, or conflict with any existing state or federal rules or other legal requirements. It is consistent with the federal CARES Act.

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

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

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

Regulatory Flexibility Analysis

1. Effect of rule: This rule affects health maintenance organizations and authorized insurers (collectively, “health care plans”) and health care providers (“providers”). This amendment prohibits health care plans that provide hospital, surgical, or medical expense insurance policies or

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

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

This amendment 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 affected by this amendment, if any, may be subject to reporting, recordkeeping, or other compliance requirements as the health care plan may need to file new policy and contract forms and rates with the Superintendent and will be required to provide written notification of the amendment to its in-network providers.

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

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

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business affected by this amendment, if any, may incur costs because it may need to file new policy or contract forms and rates and will be required to provide written notification of the amendment to its in-network providers. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

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

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 affected by the amendment, if any, because the amendment uniformly affects all health care plans and providers. In addition, a provider that is a small business should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims from the health care plan directly.

7. Small business and local government participation: The Department of Financial Services (“Department”) contacted trade associations representing health care plans that are small businesses before it promulgated this amendment and considered comments it received from these associations. The Department also notified trade associations representing

providers that are small businesses that it intended to promulgate this amendment and considered comments it received from these associations. Health care plans and providers that are small businesses also will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

Rural Area Flexibility Analysis

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

2. Reporting, recordkeeping, and other compliance requirements; and professional services: A health care plan, including a health care plan in a rural area, may be subject to additional reporting, recordkeeping, or other compliance requirements because the health care plan may need to file new policy and contract forms and rates with the Department of Financial Services ("Department") and will be required to provide written notification of the amendment to its in-network providers.

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

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

3. Costs: Health care plans and providers, including those in rural areas, may incur additional costs to comply with the amendment. A health care plan may incur additional compliance costs as it may need to file new policy and contract forms and rates with the Department and will be required to provide written notification of the amendment to its in-network providers. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

A provider, including those in rural areas, may incur additional costs to comply with the amendment. Those additional costs may include costs to ensure that the insured is not required to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed at any time, including at the time the services are provided. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims.

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 contacted trade associations representing health care plans that are in rural areas before it promulgated this amendment and considered comments it received from these associations. The Department also notified trade associations representing providers in rural areas that it intended to promulgate this amendment and considered comments it received from these associations. 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 prohibits policies and contracts of hospital, surgical, or medical expense insurance from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, and annual deductibles for covered in-network laboratory tests to diagnose the novel coronavirus ("COVID-19") and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network health care provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. As a result, there should be no impact on jobs or employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Disclosure Requirements for Certain Providers of Commercial Financing Transactions

I.D. No. DFS-42-21-00011-P

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

Proposed Action: Addition of Part 600 to Title 23 NYCRR.

Statutory authority: Financial Services Law, sections 102, 201, 202, 301, 302; Financial Services Law, sections 801-811

Subject: Disclosure Requirements for Certain Providers of Commercial Financing Transactions.

Purpose: To provide new disclosure rules for small business financings.

Substance of proposed rule (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations/proposed_fsl):

Section 600.00 describes the statutory basis for the regulation and the statutory authority of the Department of Financial Services to promulgate disclosure forms and calculations.

Section 600.01 contains definitions of terms that are used in Part 600.

Section 600.02 specifically defines the finance charges for particular types of commercial financing.

Section 600.03 sets requirements for the Annual Percentage Rate ("APR") disclosures for commercial financing transactions.

Section 600.04 discusses permissible deviations in the calculation of APRs and the allowed tolerances for these deviations.

Section 600.05 provides general formatting instructions for any disclosure document provided to a prospective borrower.

Section 600.06 provides more specific formatting instructions for disclosures concerning sales-based financings provided in accordance with Financial Services Law section 803.

Section 600.07 provides specific instructions concerning the estimation and calculation of payments, finance charges and APRs, among other items, for sales-based financings.

Section 600.08 provides special rules for sales-based financing that apply the "historical method" described in Financial Services Law section 803.

Section 600.09 sets forth special rules for sales-based financings that use the "opt-in method" described in Financial Services Law section 803. Providers who utilize this method must conduct annual audits to compare their original estimates with the annual rates actually charged on this type of financing.

Section 600.10 specifies the disclosure formatting to be used for closed-end commercial financings in accordance with Financial Services Law section 804.

Section 600.11 specifies the disclosure formatting to be used for open-end commercial financings in accordance with Financial Services Law section 805.

Section 600.12 specifies the disclosure formatting to be used for factoring transactions in accordance with Financial Services Law section 806.

Section 600.13 states an assumption to be used when calculating required disclosures for factoring transactions.

Section 600.14 specifies the disclosure formatting for lease financing transactions.

Section 600.15 specifies the disclosure formatting for asset-backed lending transactions in accordance with Financial Services Law section 807.

Section 600.16 specifies the disclosure formatting for all other commercial financing transactions to be provided in accordance with Financial Services Law section 807. This general category is applicable if other more specific categories of financing stated above are not applicable.

Section 600.17 sets forth requirements an additional disclosure concerning the funding that a prospective recipient will receive after itemized adjustments for various fees deducted from the gross amount of the financing.

Section 600.18 specifies the signature requirements for recipients to acknowledge their receipt of required disclosures.

Section 600.19 provides a calculation method to be used to determine if a particular financing is exempt from the scope of the regulation. Financings in excess of \$2,500,000 are exempt from Part 600. This section provides instruction on how to measure the aggregate financing provided by financing type.

Section 600.20 provides general rules for hybrid financings that do not neatly fall within the other categories stated above.

Section 600.21 sets forth the general duties of financiers and brokers during the underwriting process and their respective document retention requirements.

Section 600.22 sets forth the required annual reports that financiers must file with the Department of Financial Services if they elect to use the opt-in method for calculating APRs for a sales-based financing. This is the sole reporting requirement for regulated entities under Part 600.

Section 600.23 provides for an effective date for the regulation. Financiers and brokers shall comply with disclosure requirements six months after the effective date.

Text of proposed rule and any required statements and analyses may be obtained from: George Bogdan, Esq., Department of Financial Services, One State Street, 20th Floor, New York, NY 10004, (212) 480-4758, email: George.Bogdan@dfs.ny.gov

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

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

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

Regulatory Impact Statement

1. Statutory authority: Financial Services Law (or “FSL”) Sections 102, 201, 202, 301, 302 and 811.

FSL § 102 sets forth the purpose and goals of the Financial Services Law including, as relevant, to “establish a modern system of regulation, rule making and adjudication” and to ensure “the prudent conduct of the providers of financial products and services, through responsible regulation and supervision.”

FSL § 201 sets forth a declaration of policy for the Department of Financial Services (the “Department”) and states, as relevant, that the Superintendent shall take such actions as the Superintendent believes necessary to “foster the growth of the financial industry in New York and spur state economic development through judicious regulation and vigilant supervision.”

FSL § 202 establishes the Superintendent of Financial Services and provides the Superintendent with broad rights, powers, duties and discretion with respect to matters under the Financial Services Law, the Banking Law, and the Insurance Law.

FSL § 301 sets forth the powers of the Superintendent under relevant law.

FSL § 302 sets forth the power of the Superintendent to prescribe, withdraw or amend rules and regulations involving financial products and services, including in effectuating and interpreting the provisions of the Financial Services Law, the Banking Law, and the Insurance Law, and in governing the procedures to be followed in the practice of the Department.

FSL § 811 authorizes and empowers the Superintendent to promulgate such rules and regulations as may appropriate for the effective administration of FSL Sections 801-812.

2. Legislative objectives: Disclosure requirements for certain providers of commercial financing transactions are set forth in FSL Article 8, Sections 801-812.

Small businesses make up 99.8% of all New York businesses and employ four million people, or 50.2% of the private workforce. During the last financial crisis, bank loans to small businesses declined, exacerbating the credit crunch felt by small businesses. Alternative lenders, leveraging advances in technology, jumped to fill the gap and serve the small business market, creating issues unique to small business lending. There are many federal and state laws that apply to loans originated for person, family, or household purposes. The Truth in Lending Act (“TILA”) and its implementing regulation, Regulation Z, is the primary federal law regulating consumer credit. TILA requires creditors to make disclosures to borrowers regarding the cost of borrowing money over time. The intent behind TILA is to allow consumers to understand the true cost of the money they are borrowing and to facilitate easy comparison of credit terms across creditors.

The disclosures created in TILA and Regulation Z do not apply to extensions of credit primarily for a business or commercial purpose, so commercial financing providers are not required to disclose key financing terms in any standard format. FSL Article 8 seeks to create standardized disclosures for small business financings comparable to the TILA disclosures available for natural persons seeking consumer credit.

The Legislature considered it vital that business owners are afforded as much transparency as possible on how a commercial financing product will impact their business. The comprehensive disclosures required by FSL Article 8 provide business owners with the necessary information to make an informed, financially responsible decision. Standardized disclosures will also allow borrowers to compare the pricing and costs of a commercial financing among several providers.

The statute specifies four (4) types of financing (sales-based, closed-end, open-end and factoring) and also specifies the types of disclosures required. Section 807 directs the Superintendent to identify other forms of commercial financing that are subject to the statute and promulgate disclosures based on criteria listed in FSL Section 807. FSL Section 811 specifically directs the Superintendent to develop calculation methods for any metrics required in a disclosure, provide formats for disclosure forms, define and clarify key terms in the statute, and issue rules necessary to enforce the statute.

The statute expressly exempts (1) financial institutions (federal or state-chartered banks, federal or state-chartered trust companies, federal or state-chartered savings and loan associations, industrial loan companies, and federal or state-chartered credit unions), (2) lenders regulated under the federal Farm Credit Act, 12 U.S.C. Section 2001 et. seq., (3) commercial financing secured by real property, (4) technology service providers that only provide software and support services, (5) lenders who make

no more than five applicable transactions in New York in a 12-month period, (6) individual financings exceeding \$2,500,000, and (7) automobile financings.

3. Needs and benefits: The Legislature has mandated disclosures for commercial financing in amounts up to \$2,500,000. The comprehensive disclosure formats and calculation methods set forth in Part 600 should provide business owners with the necessary information to make informed, financially responsible decisions about their financings. Standardized disclosures allow borrowers to compare the pricing and costs of a commercial financing among several providers.

4. Costs: The requirements of Part 600 do impose short term costs on providers of commercial financing. Providers will incur expenses to develop the disclosure forms required by Part 600 and adjust their compliance practices, computer systems and third-party contracts. After this initial adjustment period, the ongoing additional costs incurred by providers will not be significant. The Department believes the vast majority of these businesses already have the experience, resources and systems to comply with these requirements.

The Department does not expect to incur any additional expenses to implement Part 600.

5. Local government mandates: Part 600 would impose no new mandates on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: Providers who offer sales-based financings and use the opt-in method of calculating APR will be required to provide the Department with annual disclosures. Otherwise, all affected providers will be required to provide disclosure forms to prospective borrowers. It is not anticipated that providers will need additional professional services other than those used in the normal course of their business to comply with the new required disclosures.

7. Duplication: This rule does not duplicate or conflict with any existing federal rules or other legal requirements. FSL Article 8 and Part 600 are only applicable in commercial financings when the federal TILA and Regulation Z are not applicable. Lenders regulated under the federal Farm Credit Act, 12 U.S.C. Section 2001 et. seq., are expressly excluded from the scope of FSL Article 8 and Part 600.

Part 600 does affect licensed lenders regulated under Article IX, Sections 340-359, of the New York Banking Law (“NYBL”). Part 600 applies to licensed lenders who make applicable commercial financing. NYBL Section 352 instructs licensees to follow TILA disclosure standards for open-end loans. These licensees should follow Part 600 standards for applicable business loans to sole proprietors.

8. Alternatives: There are no viable alternatives to this regulation. The Department is promulgating Part 600 to comply with an expressed statutory mandate in FSL Article 8.

The Department posted a draft text of this regulation on its website for 10 days to solicit comment from small businesses that might be affected. The Department received 8 comments. One commenter representing small businesses praised the proposed text and suggested additional protections for small business. Seven other comments requested revisions mainly for the benefit of financiers.

One commenter representing small businesses pointed out that FSL section 808 requires a special disclosure concerning “double dipping.” “Double dipping” refers to a common practice used by financiers when doing renewals and refinancings. Lenders charge borrowers for fixed fees still outstanding and due under a prior financing when they do a renewal financing or a refinancing; they then charge fixed fees for the new financing. The Department responded to this comment by amending its disclosure formats. Industry representatives objected to the term “double dipping,” but FSL section 808 uses this terminology and requires its use in disclosure forms.

All commenters believe a transition period for compliance is necessary after Part 600 is adopted. Financiers and brokers must see the final regulation before they can adjust their computer systems, compliance procedures, and contracts with other parties. They must train their employees on the new law. Several commenters requested a six-month period for compliance. The Department has heeded this request. Affected parties will only be required to fully conform to the disclosure requirements of Part 600 six months after the final adoption and publication of the regulation.

The Department made other changes based on comments from lending industry representatives. First, the Department modified the definition of when a specific offer is made that triggers the requirement to provide a disclosure. This change should allow for some negotiations between borrowers and lenders before disclosures are required. Second, commenters suggested the Department include the Secured Overnight Financing Rate (SOFR) as one of the acceptable rate indexes to be used in adjustable-rate financings. The Department feels this change is appropriate because the London Inter-Bank Offered Rate (LIBOR) is being phased out as a benchmark. Third, the Department clarified the definition of a “broker:” the term “broker” is now defined in terms of the substantive services they

perform during the underwriting process. Finally, the Department has modified the allowed tolerances in the calculation of APRs required under Part 600.04. For most transactions, the tolerance threshold will remain 1/8 of a percent; for irregular transactions, the Department proposes a larger tolerance of 1/4 of a percent.

The Department did not feel it was wise to make additional revisions to Part 600 at this time. Some comments requested changes that were inconsistent with the letter and spirit of FSL Article 8. Other comments require further deliberation by the Department and consideration of additional comments during a full 60-day comment period.

9. Federal standards: Part 600 does not conflict with TILA or Regulation Z. It seeks to create disclosure standards applicable for business financings not otherwise covered by federal law.

10. Compliance schedule: The Department understands that financiers and brokers will need time to adjust their practices after Part 600 is adopted. Accordingly, the compliance date for Part 600 is set at six months after the date of publication of the Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

1. Effect of rule: State Administrative Procedure Act (“SAPA”) Section 102(8) defines a small business to mean “any business which is resident in this State, independently owned and operated, and employs one hundred or less individuals.” This rule affects all companies regulated under Financial Services Law Article 8 equally, including regulated entities that are small businesses.

The new 23 NYCRR Part 600 will require lenders to write new disclosure forms for use in commercial financings for small businesses. All affected lenders will be required to provide disclosure forms to prospective borrowers. Lenders who do sales-based financings and use the opt-in method of calculating Annual Percentage Rate (“APR”) will be required to provide the Department of Financial Services (“Department”) with annual disclosures. Compliance with the new Part 600 will apply uniformly for all lenders.

To the extent any lender is a small business, it is operating in a highly regulated environment and should be adequately prepared to comply with the proposed rule. The Legislature has already extended the effective date of Financial Services Law Article 8 to give affected lenders more time to prepare for implementation of the new disclosures required.

This rule does not affect local governments.

2. Compliance requirements: The new Part 600 will require lenders to write new disclosure forms for use in commercial financings for small businesses. All affected lenders will be required to provide disclosure forms to prospective borrowers. Lenders that do sales-based financings and use the opt-in method of calculating APR will be required to provide the Department with annual disclosures.

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

3. Professional services: Lenders should not need additional professional services other than those used in the normal course of their business to comply with the new required disclosures.

No local government will need professional services to comply with this rule because the rule does not apply to any local government.

4. Compliance costs: The requirements of Part 600 impose short term costs on lenders. Lenders must incur expenses to develop the disclosure forms required by Part 600. Thereafter, the additional costs incurred by lenders will not be significant. Lenders will need to produce the required disclosure forms on a regular basis.

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

5. Economic and technological feasibility: Regulated entities, including those that are small businesses, should not incur significant economic or technological impact as a result of the rule.

This rule does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the rule.

6. Minimizing adverse impact: The Department is obligated to promulgate Part 600 by Financial Services Law Article 8. There is no alternative to this regulation.

No local government should be adversely impacted by this rule because the rule does not apply to any local government.

7. Small business and local government participation: The Department complied with SAPA Section 202-b(6) by posting the proposed rule on its website for informal outreach and notifying trade organizations that represent the interests of small businesses that the proposed rule had been posted. The Department also will comply with SAPA section 202-b(6) by publishing the proposed amendment in the State Register and posting the proposed amendment on its website again.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas: The Department of Financial Services (“Department”) does not have an estimate of the total

number of firms affected by the regulation. The Department believes that the vast majority of lenders affected by new 23 NYCRR Part 600 already have the experience, resources and systems to comply with these requirements. Lenders located in rural areas should not be affected differently from other lenders.

2. Reporting, Recordkeeping and Other Compliance Requirements; and Professional Services: Lenders that do sales-based financings and use the opt-in method of calculating the Annual Percentage Rate (“APR”) will be required to provide the Department with annual disclosures. Otherwise, all affected lenders will be required to provide disclosure forms to prospective borrowers. Compliance with the new Part 600 will apply uniformly to all lenders. Lenders located in rural areas should not need additional professional services other than those used in the normal course of their business to comply with the new required disclosures.

3. Costs: The requirements of Part 600 impose short term costs on lenders. Lenders must incur expenses to develop the disclosure forms required by Part 600. Thereafter, the additional costs incurred by lenders will not be significant. The Department believes the vast majority of these businesses already have the experience, resources and systems to comply with these requirements. The requirements of Part 600 will apply uniformly across all lenders and it is not anticipated that lenders located in rural areas will have any different costs than those located in urban or suburban areas. Lenders that specialize in agricultural loans may not experience any additional costs at all.

4. Minimizing Adverse Impact: The requirements of Part 600 will apply uniformly across all geographic regions. The Department has determined that uniform regulatory requirements are appropriate. Rural areas will be less affected by Part 600 because most agricultural loans are effectively exempted from its disclosure requirements by Financial Services Law Section 802(c), which expressly exempts any “lender regulated under the federal Farm Credit Act (12 U.S.C. Sec. 2001 et. Seq.)”

5. Rural Area Participation: The Department has received and responded to numerous industry inquiries regarding Financial Services Law Article 8 and 23 NYCRR Part 600. To the extent that it has the discretion to do so, the Department has tailored Part 600 to address the concerns of lenders without compromising any protections for small businesses.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. The disclosures contemplated in Part 600 of 23 NYCRR are comparable to disclosures under the federal Truth in Lending Act (“TILA”) for consumer lending. TILA disclosures have never impaired the growth of consumer credit or employment at firms that supply consumer credit. Part 600 makes the terms of financing easier for small businesses to understand and compare and improves fairness and transparency in the financing process. Better financing options for borrowers should improve their business prospects, so improved disclosures might have a positive impact on small business employment.

Long Island Railroad Company

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Long Island Railroad Company publishes a new notice of proposed rule making in the *NYS Register*.

Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road

I.D. No.	Proposed	Expiration Date
LIR-39-20-00005-ERP	September 30, 2020	September 30, 2021

Manhattan and Bronx Surface Transit Operating Authority

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Manhattan and Bronx Surface Transit Operating Authority publishes a new notice of proposed rule making in the *NYS Register*.

Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MaBSTOA

I.D. No.	Proposed	Expiration Date
----------	----------	-----------------

MBA-39-20-00007-EP September 30, 2020 September 30, 2021

Metro-North Commuter Railroad

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Metro-North Commuter Railroad publishes a new notice of proposed rule making in the NYS Register.

Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad

I.D. No.	Proposed	Expiration Date
MCR-39-20-00004-EP	September 30, 2020	September 30, 2021

Metropolitan Transportation Agency

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Metropolitan Transportation Authority publishes a new notice of proposed rule making in the NYS Register.

Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company

I.D. No.	Proposed	Expiration Date
MTA-39-20-00009-EP	September 30, 2020	September 30, 2021

New York City Transit Authority

NOTICE OF EXPIRATION

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

Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority

I.D. No.	Proposed	Expiration Date
NTA-39-20-00006-EP	September 30, 2020	September 30, 2021

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Electric Metering Equipment

I.D. No. PSC-42-21-00005-P

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

Proposed Action: The Public Service Commission is considering a petition filed by Itron, Inc. to use the Itron GEN5 Riva residential meter line in electric metering applications.

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

Subject: Electric metering equipment.

Purpose: To ensure that consumer bills are based on accurate measurements of electric usage.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on August 25, 2021, by Itron, Inc. to use the Itron GEN5 Riva line of residential electric meters, including models R2SI, RN2SI, R2SID, and RN2SID, in electric metering applications in New York State.

The Commission's regulations require new types of electric meters and associated devices used to measure a customer's electric usage to be tested and approved by the Commission before being used for customer billing purposes. The application must conform to the requirements of 16 NYCRR § 93.6.

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

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

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

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

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

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

(21-E-0456SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Waiver of Tariff Rules and a Related Commission Regulation

I.D. No. PSC-42-21-00006-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 by Pinebrooke Falls, LLC for waiver of Niagara Mohawk Power Corporation d/b/a National Grid's tariff rules and a related regulation regarding the extension of electric lines.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Waiver of tariff rules and a related Commission regulation.

Purpose: To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on September 9, 2021 by Pinebrooke Falls, LLC (Petitioner), requesting a two-year extension of the time allowed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid)'s tariff to energize additional lots of the Pinebrook Apartments (Development).

The Commission's regulations at 16 NYCRR § 100.3 provide that a non-residing applicant for electric service must provide a deposit to the utility equal to the estimated cost of construction. The deposit is returned to the applicant, on a pro rata basis, as each lot is sold and new customers take service from the utility. Part 100.3(b) provides that any portion of the deposit remaining unrefunded five years after the date the utility is first ready to render service shall be retained by the utility. National Grid's electric tariff, PSC 220 Rule 16.6, incorporates the Commission's regulation.

The Development is located in Honeoye Falls, New York. National Grid has been ready to supply the Development with electric service since October 14, 2016. The Petitioner provided National Grid with a letter of credit for the refundable portion of the contribution. The five-year development period expires on October 14, 2021, at which point National Grid would be entitled to call upon the remaining value of the letter of credit, approximately \$57,010. Petitioner requests a waiver of National Grid's tariff rule and the related Commission regulation to allow a two-year extension of the development period. Petitioner states it has been negatively affected due to the impacts of COVID-19.

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

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

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

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

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

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

(21-E-0475SP1)

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

Waiver of Tariff Rules and a Related Commission Regulation

I.D. No. PSC-42-21-00007-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 by ER Land Development, LLC for waiver of Niagara Mohawk Power Corporation d/b/a National Grid's tariff rules and a related regulation regarding the extension of electric and gas lines.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Waiver of tariff rules and a related Commission regulation.

Purpose: To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on September 13, 2021 by ER Land Development, LLC, also referred to as Shaker Builders, Inc. (Petitioner), requesting a six-month extension of the time allowed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid)'s tariff to energize additional lots of the Rolling Meadows Subdivision (Development).

The Commission's regulations at 16 NYCRR § 100.3 provide that a non-residing applicant for electric service must provide a deposit to the utility equal to the estimated cost of construction. The deposit is returned to the applicant, on a pro rata basis, as each lot is sold and new customers take service from the utility. Part 100.3(b) provides that any portion of the deposit remaining unrefunded five years after the date the utility is first ready to render service shall be retained by the utility. National Grid's electric tariff, PSC 220 Rule 16.6, incorporates the Commission's regulation. National Grid's gas tariff, PSC 219, Rule 10.4 provides substantially similar requirements for non-residing applicants requesting the extension of gas facilities.

The Development is located in Ballston Lake, New York. National Grid has been ready to supply the Development with electric and gas service since September 2016. The Petitioner provided National Grid with a letter of credit for the refundable portion of the contribution. The five-year development period expired on September 20, 2021, at which point National Grid would be entitled to call upon the remaining value of the letter of credit, approximately \$27,331. Petitioner requests a waiver of National Grid's tariff rule and the related Commission regulation to allow a six-month extension of the development period. Petitioner states it has been negatively affected due to the impacts of COVID-19.

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

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

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

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

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

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

(21-M-0489SP1)

Department of State

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

Ventilation Requirements

I.D. No. DOS-42-21-00003-EP

Filing No. 1058

Filing Date: 2021-10-01

Effective Date: 2021-10-01

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

Proposed Action: Amendment of section 160.16 of Title 19 NYCRR.

Statutory authority: Executive Law, section 91; General Business Law, sections 402(5) and 404

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

Specific reasons underlying the finding of necessity: On March 7, 2020, Executive Order Number 202 was issued declaring a state disaster emergency for the entire State of New York, relating to the COVID-19 pandemic. On June 24, 2021, the state disaster declaration was terminated. During this period, which lasted over 15 months, many appearance enhancement businesses were forced to temporarily close and/or significantly reduce capacity. The resulting economic losses have made it impractical for businesses to meet certain ventilation standards by the October 3, 2021 deadline that is contained within existing regulations.

In consideration of the ongoing COVID-19 pandemic and the financial impact it has had on these businesses, the Department finds that it is necessary to adopt these regulations on an emergency basis for the preservation of the general welfare. Specifically, extending the current deadline by 6 months will help businesses remain open, recover losses and come into compliance with existing requirements, while also protecting employees from potential job losses.

For the foregoing reasons, this rule is being adopted on an emergency basis.

Subject: Ventilation Requirements.

Purpose: To provide an additional 6 months for appearance enhancement businesses to comply with existing ventilation standards.

Text of emergency/proposed rule: Section 160.16 is amended as follows:

Section 160.16. Facilities: ancillary provisions

(a) For the purposes of this section, the following terms shall have the following meanings:

(1) Appearance enhancement business means the business of providing any or all of the services licensed pursuant to Article 27 of the New York General Business law at a fixed location.

(2) Nail salon means each building, or portion of a building, in which nail specialty services are offered or provided.

(3) Nail specialty service means providing services for a fee or any consideration or exchange to cut, shape or to enhance the appearance of the nails of the hands or feet. Nail specialty shall include the application and removal of sculptured or artificial nails.

(4) Nail station means a table or work area where any nail specialty service is performed. In the case of a table or work area where more than one nail specialty service can be performed at any one time, each portion of such table or work area where a nail specialty service can be performed shall be deemed to be a separate nail station.

(5) Owner means a person who or which owns, controls or operates, whether as a partner shareholder, officer, independent contractor (including area renter) or proprietor an appearance enhancement business.

(6) Registered design professional means an individual who is a registered architect (RA) in accordance with Article 147 of the New York State Education Law or a licensed professional engineer (PE) in accordance with Article 145 of the New York State Education Law.

(b) In addition to complying with all applicable requirements of the State Uniform Fire Prevention and Building Code, New York City Construction Code or other building code applicable to the building in which appearance enhancement activities are performed, and with all applicable requirements of the State Sanitary Code, State Industrial Code, and other laws and regulations applicable to appearance enhancement activities and/or to buildings, including environmental standards, in which such activities are performed, an owner shall provide, in each appearance enhancement business each of the following:

- (1) hot and cold running water;
- (2) toilet facilities and wash basins for use by clients and employees;
- (3) illumination for the safe provision of licensed services;
- (4) covered containers for hair, paper and other waste material;
- (5) sufficient space or working area to ensure the safety and health for both the operator and client; and

(6) in the case of a nail salon, a mechanical ventilation system which complies with the "2015 International Mechanical Code" (Publication Date: May 30, 2014, Third Printing), published by the International Code Council, Inc., and as amended by the NYS Building Standards and Codes 2016 Uniform Code Supplement (hereinafter referred to as the "2015 IMC" such that it:

(i) has the capacity to supply outdoor airflow at a rate of not less than the greater of:

- (a) the ventilation standards for nail salons as set forth at Sections 401 and 403 of the 2015 IMC; or
- (b) 50 cubic feet per minute for each nail station in the nail salon;

(ii) includes a mechanical exhaust system that:

(a) is designed and constructed to capture all chemical vapors, fumes, dust and other air contaminants at their source and to exhaust such contaminants to the outdoor atmosphere;

(b) has at least one exhaust inlet for each nail station (each such exhaust inlet to be factory-installed by the manufacturer of the nail station or field-installed at a location that is not more than 12 inches horizontally and not more than 12 inches vertically from the point of chemical application or where the customer's nails are placed when a nail specialty service is being performed);

(c) has the capacity to exhaust from the nail salon at a rate of not less than the greater of:

- (1) the ventilation standards for nail salons as set forth at Sections 401 and 403 of the 2015 IMC; or
- (2) 50 cubic feet per minute for each nail station in the nail salon;

(d) exhausts all exhaust air from the nail salon (including but not limited to all chemical vapors and fumes, dust, and other air contaminants and odors generated by or resulting from nail specialty services) to the outdoor atmosphere, with each exhaust discharge located at a point where it will not cause a nuisance to others and where the exhausted air (including but not limited to the exhausted chemical vapors and fumes, dust, and other air contaminants and odors) cannot be readily drawn in by the outdoor air intake components of the ventilation system; and

(e) exhausts all exhaust air from the nail salon (including but not limited to all chemical vapors and fumes, dust, and other air contaminants and odors generated by or resulting from nail specialty services) in a manner that assures that no part of such exhaust air shall be recirculated into the nail salon or into any other space in the building, or transferred to any other space in the building;

(iii) is balanced in a manner to supply outdoor air at a rate equal to the rate of the exhaust; and

(iv) operates at or above the minimum supply outdoor airflow rate specified in subparagraph (i) of this paragraph and at or above the minimum exhaust rate specified in clause (ii)(c) of this paragraph at all times when the nail salon is occupied by any person or persons.

(c) No standard or requirement set forth in paragraph (b)(6) of this section shall be construed as superseding, amending or otherwise affecting any higher or more restrictive standard or requirement applicable to appearance enhancement activities and/or to buildings. Failure to comply with any such higher or more restrictive standard or requirement may be a violation of the other applicable law or regulation, including, as the case may be, the State Uniform Fire Prevention and Building Code, New York City Construction Code, other building code, State Sanitary Code, State Industrial Code or environmental standards.

(d) Beginning on October 3, 2016 any nail salon which obtains a new appearance enhancement business license shall attain compliance with the minimum ventilation rate specifications set forth paragraph (b)(6) of this section. A signed certification by the ventilation system installer, manufacturer or a registered design professional that the ventilation system meets such ventilation rate specifications shall be maintained on the business premises and be available for inspection by the Department. A nail salon licensed before October 3, 2016 shall have until [October 3, 2021] April 4, 2022 to comply with the requirements of this subdivision.

(e) For the purpose of compliance with this Part the 2015 IMC is incorporated herein by reference. Copies of the 2015 IMC may be obtained from the publisher at the following address:

International Code Council, Inc.
500 New Jersey Avenue, NW, 6th Floor
Washington, DC 20001

The 2015 IMC is also available for public inspection and copying at:
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire December 29, 2021.

Text of rule and any required statements and analyses may be obtained from: David A. Mossberg, Esq., NYS Dept. of State, 123 William Street, 20th Fl., New York, NY 10028, (212) 417-2063, email: david.mossberg@dos.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:

New York Executive Law § 91 and New York General Business Law ("GBL") §§ 402(5); 404. Section 91 of the Executive Law authorizes the Secretary of State to: "adopt and promulgate such rules which shall regulate and control the exercise of the powers of the department of state."

In addition, Sections 402(5) and 404 of the GBL authorize the Secretary of State to promulgate rules specifically relating to the appearance enhancement industry.

2. Legislative objectives:

Article 27 of the GBL was enacted, inter alia, to provide a system of licensure of appearance enhancement businesses and operators that would both allow for the greatest possible flexibility in the establishment of regulated services and implement measures to protect those inextricably entwined in the industry. Consistent with this legislative intent of Article 27, the Department is empowered to issue regulations which protect the general welfare of the public, including those who operate appearance enhancement businesses which offer nail specialty services.

3. Needs and benefits:

The rulemaking is needed to ensure that those businesses which had been impacted by the COVID-19 pandemic are afforded additional time to meet already existing obligations to satisfy certain ventilation requirements. Under the existing regulation, "[a] nail salon licensed before October 3, 2016 shall have until October 3, 2021 to comply with the requirements of this subdivision." Due to the pandemic many businesses were required to close or significantly reduce capacity which resulted in economic losses. As a result, some businesses are not able to meet the existing deadline and would be potentially forced to close. This rule is therefore needed to benefit those businesses by allowing them additional time to operate and recover losses to off-set costs associated with the original rule.

4. Costs:

a. Costs to regulated parties:

Businesses will not incur additional or new costs as a result of this proposal beyond what the existing rule already requires. The rule merely affords businesses additional time to comply with existing obligations.

b. Costs to the State, and local government:

The Department does not anticipate any additional costs to implement the rule.

5. Local government mandates:

The rule does not impose any program, service, duty or responsibility upon any county, city, town, village, school district or other special district.

6. Paperwork:

The rule does not impose any new paperwork requirement on licenses.

7. Duplication:

This rule does not duplicate, overlap or conflict with any other state or federal requirement.

8. Alternatives:

The Department considered not proposing the instant rulemaking. It was determined, however, this rule is needed to protect the general welfare of the State by providing more time for businesses to comply so that businesses would not be unexpectedly forced to close. The Department also considered proposing a longer period but determined 6 months was sufficient based on input from the industry.

9. Federal standards:

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

10. Compliance schedule:

Businesses subject to the rule will have until May 2, 2022 to comply.

Regulatory Flexibility Analysis and Rural Area Flexibility Analysis

This rule does not require a Regulatory Flexibility Analysis or Rural Area Flexibility Analysis. As evident from the purpose of the rule, it will not impose any adverse impact on small businesses, local governments, or public or private entities, including those in rural areas of the state. Additionally, the rule will not impose any new mandatory reporting, record keeping or other compliance requirements on those impacted. The New York State Department of State (the "Department") does not expect that businesses, already subject to the rule, will be negatively impacted by the adoption of this rule because it will provide those businesses additional time to comply with already existing regulatory obligations.

The rule provides that businesses, which are already subject to meeting certain ventilation standards, will be granted an additional 6 months to comply with the existing standards.

For the foregoing reasons, the Department finds that this rule will not impose any new adverse impacts.

Job Impact Statement

A Job Impact Statement is not required for this regulation, because it is apparent from the nature and the purpose, of the proposal, that it will not have a substantial adverse impact on jobs or employment opportunities in either the public or private sectors. The proposed regulatory change allows businesses an additional 6 months to come into compliance with already existing regulations. The Department believes that this proposal will have positive effects on jobs and employment opportunities, as it will provide more time for businesses to remain open to offset potential costs associated with the original rule. By providing additional time, businesses can remain open thereby earning additional income before expending costs to come into compliance. Accordingly, the Department finds that a job impact statement is not required because the rule will save existing jobs from possible business closures.

State University of New York

NOTICE OF ADOPTION**Holiday Leave**

I.D. No. SUN-17-21-00014-A

Filing No. 1059

Filing Date: 2021-10-04

Effective Date: 2021-10-20

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

Action taken: Amendment of section 337.13(a) of Title 8 NYCRR.

Statutory authority: Education Law, sections 353 and 355

Subject: Holiday Leave.

Purpose: To designate Juneteenth as a holiday for SUNY employees.

Text or summary was published in the April 28, 2021 issue of the Register, I.D. No. SUN-17-21-00014-EP.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Appointment of Employees; Eligibility**

I.D. No. SUN-17-21-00015-A

Filing No. 1063

Filing Date: 2021-10-04

Effective Date: 2021-10-20

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

Action taken: Amendment of section 335.4(d) of Title 8 NYCRR.

Statutory authority: Education Law, sections 353 and 355

Subject: Appointment of Employees; Eligibility.

Purpose: To allow for the addition of one year to the service limits for faculty hired between May 20, 2020 and June 30, 2021.

Text or summary was published in the April 28, 2021 issue of the Register, I.D. No. SUN-17-21-00015-EP.

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

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

Assessment of Public Comment

The agency received no public comment.

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

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

Filing No. 1061

Filing Date: 2021-10-04

Effective Date: 2021-10-20

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

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

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

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

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

Text or summary was published in the May 19, 2021 issue of the Register, I.D. No. SUN-20-21-00005-EP.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**College Fees**

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

Filing No. 1060

Filing Date: 2021-10-04

Effective Date: 2021-10-20

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

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

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

Subject: College Fees.

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

Text or summary was published in the July 14, 2021 issue of the Register, I.D. No. SUN-28-21-00010-EP.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

State University of New York Tuition and Fees Schedule**I.D. No.** SUN-28-21-00017-A**Filing No.** 1062**Filing Date:** 2021-10-04**Effective Date:** 2021-10-20

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

Action taken: Amendment of section 302.1(b) of Title 8 NYCRR.

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

Subject: State University of New York Tuition and Fees Schedule.

Purpose: To amend the Tuition and Fees Schedule of the State University of New York effective for the Fall 2021 semester.

Text or summary was published in the July 14, 2021 issue of the Register, I.D. No. SUN-28-21-00017-EP.

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

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

Assessment of Public Comment

The agency received no public comment.

Staten Island Rapid Transit Operating Authority

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Staten Island Rapid Transit Operating Authority publishes a new notice of proposed rule making in the *NYS Register*.

Requiring mask wearing covering the nose and mouth when using terminals, stations and trains operated by SIRTOA

I.D. No.	Proposed	Expiration Date
SIR-39-20-00008-EP	September 30, 2020	September 30, 2021

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-36-21-00003-P	Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Reduction	Virtual electronic webinar—November 15, 2021, 1:00 p.m.
ENV-36-21-00004-P	Medium- and Heavy-Duty (MHD) Zero Emission Truck Annual Sales Requirements and Large Entity Reporting	<p>Via electronic webinar—November 9, 2021, 2:00 p.m.</p> <p>Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 218 by September 8, 2021. The proposed regulations webpage for 6 NYCRR Part 218 may be accessed at: https://www.dec.ny.gov/regulations/proregulations.html</p> <p>Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 218 public comment hearing.</p> <p>The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than October 19, 2021. The written request must be addressed to ALJ Michele M. Stefanucci, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Fl., Albany, NY 12233-1550 or emailed to ALJ Stefanucci at ohms@dec.ny.gov</p>
Labor, Department of		
LAB-34-21-00002-EP	New York Health and Essential Rights Act (NY HERO Act)	Location to be announced on Department of Labor website—November 17, 2021, 10:00 a.m.
Liquor Authority, State		
LQR-36-21-00002-P	Commencement of Administrative Disciplinary Proceedings Via Electronic Means	80 S. Swan St., Albany, NY—November 10, 2021, 10:00 a.m.
Long Island Power Authority		
LPA-38-21-00008-P	Authority’s Annual Budget, as Reflected in the Rates and Charges in the Tariff for Electric Service	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
LPA-38-21-00009-P	Community Distributed Generation and Remote Crediting Tariffs	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
LPA-38-21-00010-P	Customer Benefit Contribution (CBC) Charge for New Mass Market Net Metering Customers	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
LPA-38-21-00011-P	Conform Long Island Choice Program Rules and Requirements with Final DPS Recommendations from Collaborative Proceeding	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
LPA-38-21-00012-P	Miscellaneous Clean-Up of Tariff for Electric Service	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
LPA-38-21-00013-P	Daily Service Charges During Prolonged Outages	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.
LPA-39-21-00014-P	Access to Records and Fees Collected Under the Freedom of Information Law	Virtual Public Meeting—November 29, 2021, 10:00 a.m. and 2:00 p.m.

Public Service Commission

PSC-35-21-00004-P Major Gas Rate Filing

Teleconference—Oct. 27, 2021, 1:00 p.m. and 6:00 p.m. (Public Statement Hearing)*

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

PSC-40-21-00019-P Disposition of a New York State Tax Refund

Teleconference—Nov. 23, 2021, 10:00 a.m. (Public Statement Hearing)*

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

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals

listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

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

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

AGRICULTURE AND MARKETS, DEPARTMENT OF

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

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

*ASA-28-20-00013-RP	..... 10/22/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
*ASA-28-20-00016-RP	..... 10/22/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation
ASA-27-21-00009-P	..... 07/07/22	General provisions applicable to all OASAS programs	To identify those provisions that are required of all OASAS certified, funded or otherwise authorized programs
ASA-42-21-00008-P	..... 10/20/22	Children and Family Treatment Support Services	Identify services and designation process for children and family treatment and support services
ASA-42-21-00009-P	..... 10/20/22	Incident Reporting in OASAS certified, licensed, funded, or Operated Services	To update and clarify existing language.
ASA-42-21-00010-P	..... 10/20/22	Provision of problem gambling treatment and recovery services.	Identify the requirements for provision of problem gambling services.
ASA-42-21-00012-P	..... 10/20/22	Tobacco-Limited Services	The purpose of the rule is to change the requirement from tobacco "free" services to tobacco "limited" services.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
CFS-36-21-00010-EP	09/08/22	Adopt provisions & standards to operationalize compliance with the federal Family First Prevention Services Act	Adopt provisions & standards to operationalize compliance with the federal Family First Prevention Services Act
CIVIL SERVICE, DEPARTMENT OF			
CVS-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
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
CORRECTION, STATE COMMISSION OF			
CMC-34-21-00001-P	08/25/22	Jail staffing requirements	To provide county governments and the City of New York an increased role and flexibility in determining officer staffing levels
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-42-21-00004-EP	10/20/22	Professional Policing Standards	Implementation of the "New York State Professional Policing Act of 2021"
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-48-20-00001-RP	12/02/21	Employee Training Incentive Program	To update the administrative processes for the ETIP program
EDV-30-21-00002-EP	07/28/22	New York City Musical and Theatrical Production Tax Credit program	To create the administrative processes for the New York City Musical and Theatrical Production Tax Credit program
EDV-32-21-00004-EP	08/11/22	Restaurant Return-to-Work Tax Credit program	To create the administrative processes for the Restaurant Return-to-Work Tax Credit program
EDV-36-21-00001-P	09/08/22	Excelsior Jobs program	Update regulations to include newly enhanced tax credits for projects including child care services
EDUCATION DEPARTMENT			
*EDU-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

Action Pending Index

NYS Register/October 20, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-08-21-00002-P	02/24/22	The Definition of the Term "University"	To clarify and broaden the definition of the term "university"
EDU-17-21-00011-RP	04/28/22	Education Law 310 Appeals to the Commissioner and Initiation Conduct of Proceedings for the Removal of School Officers	To make technical changes and other clarifying amendments to section 310 appeal procedures and requirements
EDU-21-21-00009-RP	05/26/22	School Counselor Bilingual & Supplementary Bilingual Education Extension & Registration Requirements	To create the bilingual education extension, supplementary bilingual education extension, and registration requirements for programs leading to the bilingual education extension for initial and professional school counselor certificates
EDU-25-21-00016-P	06/23/22	Mandatory Peer Review Program in the Profession of Public Accountancy	To conform to the national peer review program standards to enhance enforcement efforts to help ensure the quality of attest services provided by New York public accounting firms
EDU-30-21-00003-EP	07/28/22	Addressing the COVID-19 crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-30-21-00004-EP	07/28/22	Relates to term limits for members of the advisory committee on long-term clinical clerkships	To make a technical amendment relating to term limits for members of the advisory committee on long-term clinical clerkships
EDU-39-21-00001-EP	09/29/22	Technical amendments relating to the School Safety and Educational Climate (SSEC) reporting system.	To make technical corrections relating to the SSEC reporting system.
EDU-39-21-00008-EP	09/29/22	Flexibility for accountability requirements in response to the COVID-19 crisis.	To provide flexibility for accountability requirements in response to the COVID-19 crisis.
EDU-39-21-00009-P	09/29/22	General Unprofessional Conduct Provisions for the Design Professions and Continuing Education Requirements for the Profession.	To conform regulations with the requirements of Chapter 160 of the Laws of 2020 and to make technical corrections.
EDU-39-21-00010-P	09/29/22	Licensure Examination, Licensure by Endorsement and Continuing Education Requirements in the Profession of Pharmacy	To provide flexibility in determining acceptable licensure examinations and to add compounding continuing education requirements
EDU-39-21-00011-P	09/29/22	Removing References to Regional Accreditation.	To remove references to "regional accreditation" in the Rules of the Board of Regents and Commissioner's regulations.
EDU-39-21-00012-P	09/29/22	Prohibits schools from filing a law suit against parents or guardians for unpaid meal fees.	To implement and conform Commissioner's Regulations according to Chapter 315 of the Laws of 2021.
ELECTIONS, STATE BOARD OF			
SBE-33-21-00010-P	08/18/22	Public Campaign Finance Program	Implementation of the Public Campaign Finance Program
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ELECTIONS, STATE BOARD OF			
SBE-39-21-00003-P	09/29/22	Required Debates for Statewide Candidates Participating in the Public Campaign Finance Program	Outlines Debate Requirements for Statewide Candidates Participating in the Public Campaign Finance Program
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-12-21-00004-P	03/24/22	Public use of Wildlife Management Areas, and areas with special regulations	To ensure that public use of WMAs and other sites does not interfere or conflict with intended purposes of those areas
ENV-16-21-00012-P	04/21/22	Regulations governing whelk management	To protect immature whelk from harvest and establish gear and reporting rules for marine resource protection and public safety
ENV-19-21-00001-P	07/20/22	Set monitoring, operational and reporting requirements for the oil and natural gas sector	Reduce emissions of methane and volatile organic compounds from the oil and natural gas sector
ENV-22-21-00001-EP	06/02/22	Peekamoose Valley Riparian Corridor	Protect public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor
ENV-24-21-00008-P	08/17/22	Petroleum Bulk Storage (PBS)	To amend the PBS regulations, 6 NYCRR Part 613
ENV-24-21-00009-P	08/17/22	Chemical Bulk Storage (CBS)	To repeal existing 6 NYCRR Parts 596, 598 ,599 and replace with new Part 598; and amend existing Part 597; for the CBS program
ENV-26-21-00003-P	09/08/22	Product Stewardship and Product Labeling	Expand, strengthen and clarify existing regulations to establish consistency with federal and state requirements
ENV-31-21-00001-EP	08/04/22	Zoar Valley Multiple Use Area including Zoar Valley Unique Area and Onondaga Escarpment Unique Area	To protect public health, safety, general welfare and natural resources on the Zoar Valley MUA/UA and the Onondaga Escarpment UA
ENV-33-21-00004-P	08/18/22	Amendments to permit requirements for trapping fisher and marten in New York State.	To remove the requirement for a special fisher trapping permit, and to simplify marten trapping requirements.
ENV-36-21-00003-P	11/15/22	Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Reduction	Implementation of the expanded polystyrene foam container and loose fill packaging ban in ECL Art. 27, Title 30
ENV-36-21-00004-P	11/09/22	Medium- and heavy-duty (MHD) zero emission truck annual sales requirements and large entity reporting	Annual zero emission MHD truck sales requirements for model years 2025-2035. Report MHD volumes, operations, and locations
ENV-37-21-00004-P	09/15/22	Deer Hunting	This rulemaking will allow counties to annually, by county law, "opt-out" of the late bow and/or muzzleloader deer seasons
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company

Action Pending Index

NYS Register/October 20, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-25-18-00006-P	..... exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-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)
DFS-42-21-00011-P	..... 10/20/22	DISCLOSURE REQUIREMENTS FOR CERTAIN PROVIDERS OF COMMERCIAL FINANCING TRANSACTIONS	To provide new disclosure rules for small business financings
GAMING COMMISSION, NEW YORK STATE			
SGC-29-21-00010-P	..... 07/21/22	Amendment of video lottery gaming regulations	To amend the video lottery gaming regulations to reflect amendments to Tax Law 1612
SGC-35-21-00010-P	..... 09/01/22	Mobile sports wagering and sports wagering at gaming facilities	To regulate and control mobile sports wagering and sports wagering as directed by statute
SGC-37-21-00017-P	..... 09/15/22	Discretion to require a Thoroughbred jockey to serve a suspension for a riding violation at track where the violation occurred	To enhance the integrity and safety of thoroughbred horse racing
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	..... exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-22-21-00004-P	06/02/22	Hospice Residence Rates	To authorize Medicaid rate of payment to increase the Hospice Residence reimbursement rates by 10 percent
HLT-22-21-00005-P	06/02/22	Stroke Services	Amend transition period for existing stroke centers to allow the Dept. to extend the three year transition period, if necessary
HLT-22-21-00009-P	06/02/22	Managed Care Organizations (MCOs)	To maintain the contingent reserve requirement at 7.25% through 2022 applied to Medicaid Managed Care, HIV SNP & HARP programs
HLT-22-21-00010-P	06/02/22	Labeling Requirements Concerning Vent-Free Gas Space Heating Appliances	To adjust the current labeling requirements for unvented gas space heating appliances
HLT-28-21-00018-P	07/14/22	Public Water Systems	To correct typographic & minor technical errors to obtain primacy for the implementation of federal drinking water regulations
HLT-32-21-00001-P	08/11/22	Abortion Services	To protect and promote the health of New Yorkers seeking to access abortion services
HUMAN RIGHTS, DIVISION OF			
HRT-15-21-00005-P	04/14/22	Notice of tenants' rights to reasonable modifications and accommodations for persons with disabilities	To comply with the requirements of Executive Law section 170-d
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-21-21-00002-RP	05/26/22	Records access	To update regulations governing records access
LABOR, DEPARTMENT OF			
LAB-49-20-00012-P	12/09/21	Sick Leave Requirements	To provide definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law
LAB-05-21-00003-EP	02/03/22	Unemployment Insurance (UI) definition of "day of total unemployment"	To prevent an additional financial burden on UI claimants seeking part-time work opportunities and help employers obtain talent
LAB-34-21-00002-EP	11/17/22	New York Health and Essential Rights Act (NY HERO Act)	Airborne Infectious Disease Exposure Prevention Standard
LAB-39-21-00015-P	09/29/22	Minimum Wage	To comply with Labor Law 652(6) that increased the minimum wage, and implement wage determined by Labor Law 652(1)(c)
LAB-39-21-00016-P	11/10/22	Minimum Wage for Farmworkers	To comply with Sections 652 and 673 of the Labor Law, by adopting minimum wage increases for farmworkers
LIQUOR AUTHORITY, STATE			
LQR-36-21-00002-P	11/10/22	Commencement of administrative disciplinary proceedings via electronic means	To modernize outdated administrative disciplinary procedures to provide for service of pleadings via electronic means

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	..... exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	..... exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	..... exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
LPA-38-21-00013-P	..... exempt	Daily service charges during prolonged outages.	To conform with statewide policy.
LPA-39-21-00014-P	..... 11/29/22	Access to records and fees collected under the Freedom of Information Law.	To make necessary technical updates and to conform with FOIL regarding collection of fees.
LONG ISLAND RAILROAD COMPANY			
*LIR-39-20-00005-ERP	..... 09/30/21	Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road	To safeguard the public health and safety on terminals, stations and trains operated by Long Island Rail Road
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
*MBA-39-20-00007-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MAbSTOA	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
MENTAL HEALTH, OFFICE OF			
OMH-09-21-00001-EP	..... 03/03/22	Redesigning Residential Treatment Facilities (RTF)	To provide clarity and provide uniformity relating to RTF's and to implement Chapter 58 of the Laws of 2020
OMH-20-21-00006-P	..... 05/19/22	Establishment of Youth Assertive Community Treatment (ACT)	To include children in the populations eligible to receive ACT and other conforming changes
OMH-33-21-00005-P	..... 08/18/22	Establishes Crisis Stabilization Centers.	To establish standards for a Crisis Stabilization Center which provides a full range of psychiatric and substance use services.
OMH-40-21-00007-EP	..... 10/06/22	COVID-19 Masking Program	To implement a COVID-19 mask program
METRO-NORTH COMMUTER RAILROAD			
*MCR-39-20-00004-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad	To safeguard the public health and safety by amending the rules to require use of masks when using Metro-North facilities
METROPOLITAN TRANSPORTATION AGENCY			
*MTA-39-20-00009-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company	To safeguard the public health and safety by amending rules to require use of masks when using MTA Bus facilities and conveyance
MTA-16-21-00004-EP	..... 04/21/22	Requiring mask wearing when using the facilities and conveyances of the MTA and its operating affiliates and subsidiaries	To safeguard the public health and safety by adding a new all-agency rule requiring the use of masks in facilities and conveyances
NEW YORK CITY TRANSIT AUTHORITY			
*NTA-39-20-00006-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-31-21-00012-P	..... 08/04/22	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.	To amend Procurement Guidelines to reflect changes in law, clarifying provisions and change in signing authority level
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-37-21-00001-P	..... 09/15/22	Certified Residential Opportunities	To provide equity in opportunities for certified residential opportunities
PDD-40-21-00002-EP	..... 10/06/22	Mandatory Face Coverings in OPWDD Certified Services	To protect public health
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-27-21-00017-P	..... exempt	Rates for the Sale of Power and Energy	To maintain the system's integrity. This increase in rates is not the result of an Authority rate increase to the Village
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-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 receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman’s petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman’s petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning’s rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley’s ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.’s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 Hanahan.	To determine financial responsibility between NYSEG and Hanahan for the electric service upgrades to Hanahan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
*PSC-23-20-00008-P	..... exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-20-00009-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$100.4 million (or 3.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-43-20-00003-P	..... exempt	The use of \$50 million to support residential and commercial customers experiencing financial hardship	To consider whether the proposed support of ratepayers is in the public interest
PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-45-20-00004-P	..... exempt	Major gas rate filing	To consider an increase in Central Hudson's gas delivery revenues
PSC-45-20-00005-P	..... exempt	Major electric rate filing	To consider an increase in Central Hudson's electric delivery revenues
PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service.	To determine if approving the DPS Staff's recommendations is in the public interest.
PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.
PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-51-20-00007-P	..... exempt	Whitepaper on the ACOS method used by utilities in developing Standby and Buyback Service rates.	To standardize the utility ACOS methods and resulting rates, and to enable stand-alone energy storage systems.
PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers.
PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
PSC-52-20-00004-P	..... exempt	Use of pipeline refund.	To consider how a pipeline refund of \$2.26 million will be utilized by National Fuel.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-04-21-00016-P	..... exempt	Request for a waiver.	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement.
PSC-05-21-00005-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 100 MW electric generating facility.
PSC-06-21-00009-P	..... exempt	Disposition of a property tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-07-21-00007-P	..... exempt	Conditioned pre-approval of stock transactions of regulated entities.	To consider allowing stock transactions within statutory parameters without Commission approval for individual transactions.
PSC-09-21-00002-P	..... exempt	Gas moratorium procedures	To consider procedures and criteria to minimize customer hardships in the unlikely event of a future gas moratorium
PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00006-P	..... exempt	Long-term gas system planning.	To consider a process to review gas distribution utilities' long-term system planning.
PSC-12-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-12-21-00009-P	..... exempt	Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.
PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding.	To ensure the appropriate use of funding reserved for gas safety programs.
PSC-13-21-00019-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00023-P	..... exempt	Petition for the use of steam metering equipment.	To ensure that consumer bills are based on accurate measurements of steam usage.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-17-21-00005-P	..... exempt	Submetering equipment.	To consider use of submetering equipment and if it is in the public interest.
PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation.	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation.
PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities.	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities.
PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs.	To modify and improve Community Choice Aggregation programs in New York State.
PSC-18-21-00005-P	..... exempt	Proposed transfer of the Company's capital stock to the Purchaser.	To determine if transfer of the Company's capital stock to the Purchaser is in the public interest.
PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products.	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products.
PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits.	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers.
PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG).	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program.
PSC-19-21-00009-P	..... exempt	Major electric rate filing.	To consider an increase in O&R's electric delivery revenues.
PSC-19-21-00012-P	..... exempt	Major gas rate filing.	To consider an increase in O&R's gas delivery revenues.
PSC-19-21-00013-P	..... exempt	The proposed transfer of ownership interests and debt financing arrangement related to certain electric generating facilities.	To determine whether the proposed transfer of ownership interests and financing arrangement are in the public interest.
PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility.	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-22-21-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-22-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 7.6 mile, 13 kV AC electric cable.
PSC-22-21-00008-P	..... exempt	Cost allocation for project(s) to meet a Public Policy Transmission Need/Public Policy Requirement.	To address the cost allocation methodology for use by the New York Independent System Operator, Inc. (NYISO).
PSC-23-21-00002-P	..... exempt	Waiver for allocation of natural gas to commercial and industrial economic development customers.	To provide commercial and industrial economic development customers access to natural gas.
PSC-23-21-00003-P	..... exempt	Petitions for rehearing of the Order Adopting a Data Access Framework and Establishing Further Process.	To consider modifications and/or clarifications to the Order Adopting a Data Access Framework and Establishing Further Process.
PSC-23-21-00004-P	..... exempt	Establishing an alternative recovery mechanism for certain types of fees.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-25-21-00005-P	..... exempt	Transfer of Penelec assets and franchise rights.	To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest.
PSC-25-21-00008-P	..... exempt	NYSERDA and National Grid's proposed Expanded Solar For All Program for low-income customers.	To consider the authorization and appropriate design of an opt-out community solar program for low-income customers.
PSC-25-21-00009-P	..... exempt	Hydroelectric facility located in Carthage, New York.	To promote and maintain renewable electric energy resources.
PSC-25-21-00010-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-21-00013-P	..... exempt	Negative revenue adjustments for gas main replacements targets in 2020.	To promote and ensure safety and reliability enhancements for utility infrastructure replacement.
PSC-26-21-00004-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-26-21-00012-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.	To consider whether the proposed service agreement and requested waivers of Commission rules are in the public interest.
PSC-27-21-00011-P	..... exempt	The prohibition on ESCO service to low-income customers.	To consider whether NOCO Electric, LLC and NOCO Natural Gas, LLC should be granted a waiver to serve low-income customers.
PSC-27-21-00012-P	..... exempt	Waiver request to reset NUG Rider rate on one day's notice.	To determine whether NUG Rider rates should be reset on one day's notice.
PSC-27-21-00013-P	..... exempt	Support for a hydroelectric facility located in Black Brook, New York.	To consider financial support to promote and maintain an existing renewable electric energy resource.
PSC-27-21-00014-P	..... exempt	PSC Regulation 16 NYCRR 86.3(a)(1), (a)(2), (b)(2), 86.4(b), 88.4(a)(4) and 85-2.3(c).	To consider the applicants requests relating to the content of their application for transmission line siting.
PSC-27-21-00015-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Lockport.
PSC-28-21-00011-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Ithaca.
PSC-28-21-00012-P	..... exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY.	To address the proposed transfer and any matters within the public interest.
PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics.	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits.
PSC-28-21-00014-P	..... exempt	Proposed agreement for the provision of water service.	To consider whether a proposed service agreement and requested waivers of Commission rules are in the public interest.
PSC-28-21-00015-P	..... exempt	Proposals for active and passive managed charging programs for mass market EV customers.	To shift EV charging to moderate grid impacts and customer costs.
PSC-28-21-00016-P	..... exempt	Transfer of Suez Water New York Inc.'s parent company to Veolia Environment S.A.	To determine if the proposed transfer is the public interest.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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 of street lighting facilities and the proper accounting for the transaction.
PSC-30-21-00006-P	..... exempt	NYSERDA proposal regarding Clean Energy Standard backstop collection processes.	To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard.
PSC-30-21-00007-P	..... exempt	Submetering of electricity and waiver requests.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-30-21-00008-P	..... exempt	Adjustments to the the Daily Delivery Service Program.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-30-21-00009-P	..... exempt	Submetering of electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-30-21-00010-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-31-21-00008-P	..... exempt	Issuance of securities and other forms of indebtedness.	To consider Central Hudson's request to issue and sell unsecured debt obligations
PSC-31-21-00009-P	..... exempt	Waiver of certain rules, i.e., cable television advisory committee, public notice of request for proposals.	To determine whether to waive any rules and regulations.
PSC-31-21-00010-P	..... exempt	Establishment of the regulatory regime applicable to a solar electric generating facility and energy storage.	To ensure appropriate regulation of a new electric corporation.
PSC-31-21-00011-P	..... exempt	Establishment of the regulatory regime applicable to a solar electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers.	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers.
PSC-32-21-00003-P	..... exempt	Exemptions from utility standby rates for certain designated or environmentally advantageous technologies.	To harmonize standby rate exemptions statewide.
PSC-33-21-00006-P	..... exempt	Proposed rate increase.	To ensure safe and adequate service at just and reasonable rates.
PSC-33-21-00007-P	..... exempt	Acquisition of cable television facilities and franchises of two municipalities.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-33-21-00008-P	..... exempt	Establishment of a Tapping and Connection Fee.	To consider whether the proposed fees are in the public interest.
PSC-33-21-00009-P	..... exempt	Banking of credits and switching between Community Distributed Generation and Remote Crediting projects.	To ensure just and reasonable rates charged to customers.
PSC-34-21-00004-P	..... exempt	CDG subscriber eligibility requirements.	To consider modifications to the CDG program eligibility requirements for certain Standby Service customers.
PSC-34-21-00005-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-21-00006-P	..... exempt	Staff recommendations to address the financial impacts of the COVID-19 pandemic.	To consider measures to provide relief to those financially impacted by the COVID-19 pandemic.
PSC-34-21-00007-P	..... exempt	Authorization to extend the maturity date of certain short-term indebtedness and total debt.	To consider the request for authorization to enter into indebtedness.
PSC-34-21-00008-P	..... exempt	Issuance of securities and other forms of indebtedness.	To consider the Con Edison's request to issue and sell unsecured debt obligations.
PSC-34-21-00009-P	..... exempt	Authorization to continue the PRIME-WNY.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-34-21-00010-P	..... exempt	Clean Energy Standard Programs.	Continued implementation of the Clean Energy Standard and the Zero Energy Credit Requirements Programs.
PSC-35-21-00002-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-21-00003-P	..... exempt	PSC regulations 16 NYCRR 86.3(a)(2); 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-35-21-00004-P	..... exempt	Major gas rate filing.	To consider a proposed increase in Conring's gas delivery revenues of approximately \$5.8 million (20.4% in total revenues).
PSC-35-21-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-35-21-00006-P	..... exempt	Proposed rate increase.	To ensure safe and adequate service at just and reasonable rates.
PSC-35-21-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-21-00008-P	..... exempt	Tariff filing to allow eligible CHP Customers to provide export support to their other service connections.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators in New York State.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-36-21-00005-P	..... exempt	Transfer of real property.	To determine whether to authorize the transfer of real property and the proper accounting for the transaction.
PSC-36-21-00006-P	..... exempt	The Westchester Power Program.	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program.
PSC-36-21-00007-P	..... exempt	Pension settlement payout losses incurred in 2020.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2020.
PSC-36-21-00008-P	..... exempt	Transfer of real property.	To determine whether to authorize the transfer of real property and the proper accounting for the transaction.
PSC-36-21-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-37-21-00007-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-37-21-00008-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-37-21-00009-P	..... exempt	Procedures necessary to implement Tax Law Section 187-q.	To establish procedures by which eligible utility-taxpayers can have the amounts of certain waived customer arrears certified.
PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems.	To consider modifications to the Clean Energy Standard.
PSC-37-21-00011-P	..... exempt	Green Button Connect implementation.	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-38-21-00007-P	..... exempt	Electric metering equipment.	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-39-21-00005-P	..... exempt	Establishment of the regulatory regime applicable to a electric transmission facility.	To ensure appropriate regulation of a new electric corporation.
PSC-39-21-00006-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification.	To facilitate secure customer data exchanges between the utility or provider and energy service entities.
PSC-40-21-00017-P	..... exempt	The Commission's Order Adopting Utility Energy Registry Modifications	To determine if the Commission committed errors of law or fact in its Order, or if new facts warrant a different result.
PSC-40-21-00018-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-40-21-00019-P	..... exempt	Disposition of a New York State tax refund.	To determine the disposition of a tax refund obtained by New York American Water Company, Inc.
PSC-40-21-00020-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-40-21-00021-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-21-00005-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-42-21-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-42-21-00007-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.
STATE, DEPARTMENT OF			
DOS-05-21-00013-RP	..... 02/03/22	Requirements and procedures related to filing, review and publication of financial reports filed with the Department of State	To provide procedures related to the filing, review and publication of financial reports filed with the Department of State
DOS-19-21-00014-P	..... 07/15/22	Minimum standards for administration and enforcement of the Uniform Code and Energy Code	To revise the minimum standards applicable to a program for administration and enforcement of the Uniform Code and Energy Code
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.
DOS-42-21-00003-EP	..... 10/20/22	Ventilation Requirements	To provide an additional 6 months for appearance enhancement businesses to comply with existing ventilation standards
STATE UNIVERSITY OF NEW YORK			
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
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
*SIR-39-20-00008-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations and trains operated by SIRTOA.	To safeguard the public health and safety by amending rules to require the use of masks when using terminals and stations.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-46-20-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-34-21-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period October 1, 2021 through December 31, 2021
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-26-21-00014-EP	06/30/22	Camp fees	To conform state regulations to statutory requirement effectuated by Chapter 126 of the Laws of 2021, signed by the Governor on June 11, 2021 and effective June 30, 2021, allowing camp fees for children in family assistance or safety net assistance cases
TDA-39-21-00004-EP	09/29/22	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-approved SUAs as of 10/1/21
URBAN DEVELOPMENT CORPORATION			
UDC-38-21-00001-EP	09/22/22	Biodefense Commercialization Fund program	To create the administrative processes for the Biodefense Commercialization Fund program
WORKERS' COMPENSATION BOARD			
WCB-42-20-00004-P	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-26-21-00001-P	06/30/22	Payment of medical bills and disputes	To require all objections to medical bills be made simultaneously and make process more efficient
WCB-28-21-00008-P	07/14/22	DME Fee Schedule	To correct codes ad update DME fee schedule
WCB-28-21-00009-P	07/14/22	Telehealth	Provides the option for telehealth visits in some circumstances
WCB-37-21-00018-P	09/15/22	NY Workers' Compensation Drug Formulary	Update the Formulary (technical and clarifying changes)
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

STATE NOTICES

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

DEALERS; BROKERS

101 North Salina St., LLC
One Webster's Landing, Syracuse, NY 13202
State or country in which incorporated — New York

Amara Multifamily LLC
181 S. Main St., Suite 100, Prosper, TX 75078
State or country in which incorporated — Texas

Barstone Holdings LLC
267 Kentlands Blvd., Gaitherburg, MD 20878
State or country in which incorporated — Alabama

BrightTower LLC
95 Christopher Columbus Dr., 16th Fl., Jersey City, NJ 07302
State or country in which incorporated — Delaware limited liability
company

CGI Hospitality GPI, LLC
c/o CGI Investment Management LLC, 3480 Main Hwy., Suite 200,
Coconut Grove, FL 33133
State or country in which incorporated — Delaware

Circle Internet Services, Inc.
201 Spear St., Suite 1200, San Francisco, CA 94105
State or country in which incorporated — Delaware

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

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

Pearl Investors LLC, The
14 E. 33rd St., #7s, New York, NY 10016
State or country in which incorporated — Missouri limited liability
company

Pomegranate Technologies, Inc.
20511 W. 25th St., Suite a-105, New York, NY 10001
State or country in which incorporated — Delaware

PRP 132 Apartments LLC
125 Chenoweth Lane, Suite 103, Louisville, KY 40207
State or country in which incorporated — Kentucky

Teal Run SPE LLC
16150 SW. Upper Boones Ferry Rd., Portland, OR 97224
State or country in which incorporated — Delaware

TPG CTC Investors USF, LLC
c/o Trinity Property Group, LLC, 132 Veterans Lane, Unit A #468,
Doylestown, PA

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

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE REAR GATE VEHICLE COMPOUND Green Haven Correctional Facility Stormville, Dutchess County

Sealed bids for Project Nos. M3132-C and M3132-E, comprising separate contracts for Construction Work, and Electrical Work, Replace Rear Gate Vehicle Compound, Green Haven Correctional Facility, Route 216, Stormville (Dutchess County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, November 3, 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 \$69,600 for C, and \$6,100 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 \$2,000,000 and \$3,00,000 for C, and between \$50,000 and \$100,000 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 in-

flation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 357 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 14% for MWBE participation, 7% for Minority-Owned Business Enterprises ("MBE") participation and 7% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the C trade contractor, and 0% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below

and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

**PROVIDE
BAR SCREEN**
Cayuga Correctional Facility
Moravia, Cayuga County

Sealed bids for Project Nos. Q1805-C, Q1805-E, and Q1805-P, comprising separate contracts for Construction Work, Plumbing Work, and Electrical Work, Provide Bar Screen, Building 23, Cayuga Correctional Facility, 2202 NY-38A, Moravia (Cayuga County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, November 3, 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 \$22,700 for C, \$3,800 for P, and \$4,900 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 \$500,000 and \$1,000,000 for C, between \$25,000 and \$50,000 for P, and between \$50,000 and \$100,000 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 212 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.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 0% for the C trade contractor, 0% for the E trade contractor, 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, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

By OGS - Design & Construction Group

**REPLACE
HVAC/ELECTRIC EQUIPMENT**
MacCormick Secure Center
Brooktondale, Tompkins County

Sealed bids for Project Nos. 46058-H and 46058-E, comprising separate contracts for HVAC Work, and Electrical Work, Replace HVAC & Electric Equipment, MacCormick Secure Center, 300 South Road, Brooktondale (Tompkins 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 Children and Family Services, until 2:00 p.m. on Wednesday, November 3, 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 \$51,800 for H, and \$19,400 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for H, and between \$250,000 and \$500,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than

designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 976 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 HVAC 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. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 3% for the H trade contractor, and 3% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction’s plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Homeland Security and Emergency Services

1220 Washington Ave., Bldg. 7A, 3rd Fl.
Albany, NY 12242

STATE AGENCIES, LOCAL GOVERNMENTS, INDIAN TRIBAL
GOVERNMENTS

Building Resilient Infrastructure and Communities (BRIC) Program; Flood Mitigation Assistance (FMA) Program

FY 2021 Federal Emergency Management Agency (FEMA)
Hazard Mitigation Assistance (HMA) Funding Opportunities
Key Dates and Deadlines

Date of Announcement:	October 5, 2021
Application Period Open in FEMA GO	September 30, 2021
Applications due to DHSES:	November 30, 2021 5:00pm EST
Applications due to FEMA:	January 28, 2022 3:00pm EST

Building Resilient Infrastructure and Communities (BRIC)

BRIC Notice of Funding Opportunity (NOFO)

BRIC NOFO Fact Sheet

Flood Mitigation Assistance (FMA)

FMA Notice of Funding Opportunity (NOFO)

FMA NOFO Fact Sheet

PLEASE NOTE:

DHSES will not be processing Letters of Intent (LOIs) for the FY2021 BRIC and FMA programs. Sub-applicants are to proceed directly to application development in FEMA GO upon commencement of FEMA's Application Period on September 30, 2021. DHSES recommends you review this announcement and FEMA's NOFOs thoroughly and contact DHSES if you have any questions about project eligibility or requirements.

Email: HazardMitigation@dhses.ny.gov

Phone: (518) 292-2304

Eligible Subapplicants

The New York State Division of Homeland Security and Emergency Services (DHSES) is the Applicant for Hazard Mitigation Assistance and eligible Subapplicants must apply directly to DHSES. Eligible Subapplicants include:

- State Agencies
- Local Governments
- Indian Tribal Governments (may also apply directly to FEMA as Applicants)

Individuals, businesses, and non-profit organizations are not eligible to apply for HMA funds; however, an eligible Subapplicant may apply on behalf of individuals, businesses, and non-profit organizations.

** Subapplicants must have a FEMA-approved Local Hazard Mitigation Plan by the application deadline (January 28, 2022) and at the time of obligation of grant funds.

Justice40 Initiative

In accordance with the guiding principle of promoting equity and in implementing the Justice40 Initiative, the BRIC and FMA programs are prioritizing assistance that benefits disadvantaged communities as referenced in EO 14008. A disadvantaged community may be characterized by variables including, but not limited to: low income, high and/or persistent poverty, high unemployment and underemployment, racial and ethnic segregation, particularly where the segregation stems from discrimination by government entities, linguistic isolation, high housing cost burden and substandard housing, distressed neighborhoods, high transportation cost burden and/or low transportation access, disproportionate environmental stressor burden and high cumulative impacts, limited water and sanitation access and affordability, disproportionate impacts from climate, high energy cost burden and low energy access, jobs lost through the energy transition, access to health care, and all geographic areas within Tribal jurisdictions.

In FY21, the FMA program is using the CDC's Social Vulnerability Index (SVI) at the census tract level at a threshold of 0.7501 or greater as included in the project's benefiting area map as a priority scoring criterion for Project Scoping, Community Flood Mitigation Projects, and Individual Flood Mitigation Projects project types.

Cost Share

A non-federal cost share is required for all subapplications funded under HMA programs. The non-federal cost share may consist of cash, donated or third-part in-kind services, materials, or any combination thereof.

- The cost share for BRIC is 75 percent federal and 25 percent non-federal. "Economically Disadvantaged Rural Communities" (previously referred to as and synonymous with small impoverished communities) are eligible for an increase in cost share up to 90 percent federal and 10 percent non-federal (see page 12 of the BRIC NOFO for more information).

- The cost share for FMA is generally 75 percent federal and 25 percent non-federal; however, FEMA may increase the cost share to 100 percent federal for severe repetitive loss (SRL) properties and 90 percent federal for repetitive loss (RL) properties (see pages 8-9 of the FMA NOFO for more information on RL/SRL property definitions).

Management Costs

Subapplicants who are awarded HMA funding are eligible for reimbursement of up to 5 percent of the total project award for eligible and reasonable indirect costs, direct administrative costs, and other administrative expenses associated with a specific mitigation measure or project. Subapplicants must add management cost activities to the Scope of Work section and identify a line item in the Cost Estimate section of the FEMA GO application.

For more information on eligible management cost activities, see pages 7-8 of the BRIC NOFO and pages 17-18 of the FMA NOFO.

Subapplication Submittal – FEMA GO

All subapplications must be submitted through the FEMA's grants management system, FEMA Grants Outcome (FEMA GO). For additional information and assistance with FEMA GO, visit FEMA's website.

FEMA's Building Resilient Infrastructure and Communities (BRIC) program prioritizes comprehensive, long-term risk reduction strategies that improve public infrastructure, mitigate risk to one or more Community Lifelines, incorporate nature-based solutions, enhance climate resilience and adaptation; and increases funding to applicants that facilitate the adoption and enforcement of the latest published

editions of building codes. BRIC encourages mitigation projects that meet multiple program priorities.

Subapplicants should place careful consideration on how their work would potentially benefit disadvantaged communities. FEMA will work to ensure that at least 40 percent of the benefits go towards disadvantaged communities, in accordance with the Administration’s Justice40 Initiative.

Total Available Nationwide Funding for BRIC: \$1,000,000,000

ELIGIBLE AWARD CATEGORIES

(1) Capability and Capacity Building (C&CB)

Total federal funding available: \$81,000,000

New York State maximum allocation: \$1,000,000* (federal share)

C&CB activities are those which enhance the knowledge, skills, expertise, etc., of the current workforce to expand or improve the administration of mitigation assistance. C&CB activities must result in a resource, strategy, or tangible mitigation product that will reduce or eliminate risk and damage from future natural hazards, increase resilience, and promote a culture of preparedness.

Eligible activities include:

- Building codes activities
- Partnerships
- Project scoping
- Hazard Mitigation Planning
- Planning-related activities

*NYS will make available up to \$1,000,000 for C&CB activities, \$500,000 of which may be used for mitigation planning and planning-related activities.

Resources:

- FEMA Program Support – Building Code Activities
- FEMA Program Support – Partnership Activities
- FEMA Program Support – Project Scoping Activities
- FEMA Program Support – Mitigation Planning Activities
- FEMA Program Support – Phased Projects

(2) Mitigation Projects

Total federal funding available (nationally competitive): \$919,000,000

Maximum project cost: \$50,000,000 (federal share)

Subapplication limit for Applicants: Unlimited

Mitigation projects are those that are cost-effective and designed to increase resilience and public safety, reduce injuries and loss of life, and reduce damage and destruction to property, critical services, facilities, and infrastructure.

For more information on eligible project activities, please consult the 2015 FEMA HMA Guidance, as well as the HMA Unified Guidance Amendment.

Resources:

- FEMA Support – HMA Mitigation Action Portfolio
- FEMA BCA Toolkit Version 6.0
- Building Community Resilience with Nature-Based Solutions
- Eligibility Criteria Overview for Projects

• Mitigation projects must be technically feasible and proven cost-effective using FEMA’s Benefit-Cost Analysis (BCA) software. Version 6.0 or newer are the only versions FEMA will accept as documentation for demonstrating cost-effectiveness. A non-FEMA BCA methodology may only be used if pre-approved by FEMA in writing. All project applications must include a BCA containing all appropriate back-up documentation and:

- o Address a problem that has been repetitive or that poses a risk to public health and safety and improved property if left unresolved;
- o Contribute to a long-term solution to the problem it is intended to address; and
- o Account for long-term changes to the areas and entities it protects and has manageable future maintenance and modification requirements.

• Mitigation projects must solve a problem independently or constitute a functional portion of a long-term solution for which there is assurance that the project as a whole will be completed or there is a reasonable plan and available funding for completion.

• Mitigation projects must, at a minimum, be in conformance with the latest published editions (meaning either of the two most recently published editions) of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs.

• If the mitigation project is located in a Special Flood Hazard Area (SFHA), the jurisdiction in which it falls must be a participating member of the National Flood Insurance Program that is not on probation, suspended, or withdrawn.

• Consideration should be given to the effects of climate change including high winds, flash floods, and/or continued sea level rise on infrastructure and ensure responsible floodplain and wetland management based on the history of flood mitigation efforts and the frequency, duration, and intensity of precipitation events; exposure and sensitivity to extreme temperatures; drought; and wildfire.

• Construction activities for which ground disturbance has already been initiated or completed are not eligible for funding. Non-construction activities that have already started may not be considered for funding.

For more information on eligibility criteria for projects, please consult pages 9-11 of the BRIC NOFO.

SUBAPPLICATION EVALUATION CRITERIA

DHSES will review all subapplications for programmatic eligibility and completeness. All subapplications that pass the programmatic review will be ranked based on a review that is aligned with FEMA’s Evaluation Criteria and submitted to FEMA.

FEMA will also review all subapplications to ensure programmatic eligibility. Subapplications submitted to the national competition that pass the programmatic review will be scored with technical and qualitative evaluation criteria as described on pages 26-29 of the BRIC NOFO.

For more details on the evaluation criteria that FEMA will use in the BRIC national competition, please see:

- FEMA Program Support – Technical Criteria
- FEMA Program Support – Qualitative Criteria

ADDITIONAL RESOURCES

- FEMA Community Lifelines
- FEMA Building Resilient Infrastructure and Communities (BRIC) Program Resource List

The Flood Mitigation Assistance (FMA) program provides federal funding to reduce or eliminate the risk of repetitive flood damage to buildings and structures insured under the National Flood Insurance Program (NFIP).

In FY21, the FMA program is using the CDC’s Social Vulnerability Index (SVI) at the census tract level at a threshold of 0.7501 or greater as included in the project’s benefiting area map as a priority scoring criterion for Project Scoping, Community Flood Mitigation Projects, and Individual Flood Mitigation Projects project types.

Total Available Nationwide Funding for FMA: \$160,000,000

ELIGIBLE AWARD CATEGORIES

(1) Project Scoping (previously Advance Assistance)

Total federal funding available (nationally competitive): \$10,000,000

Funding limits: \$300k per Project Scoping subapplication for individual flood mitigation projects

\$900k per Project Scoping subapplication for community flood mitigation projects

Project Scoping activities develop community flood mitigation projects and/or individual flood mitigation projects that will subsequently reduce flood claims against the NFIP. Project scoping can be used to obtain data and to prioritize, select, and develop community flood mitigation projects and/or individual flood mitigation projects for future funding based on current FEMA-approved mitigation plans.

Eligible Project Scoping activities must benefit NFIP insured properties. Examples include, but are not limited to:

- Conducting meetings, outreach and coordination with Subapplicants and community residents
- Developing or conducting engineering, environmental feasibility and/or benefit-cost analyses
- Undertaking activities that lead to development of project applications
- Evaluating facilities to identify mitigation actions
- Using staff or resources to develop cost share strategies

(2) Community Flood Mitigation Projects

Total federal funding available (nationally competitive): \$70M

Funding limit: \$30M per subapplication

Community flood mitigation projects address community flood risk for the purpose of reducing NFIP flood claim payments. Examples include, but are not limited to:

- Localized flood control
- Floodwater storage and diversion
- Floodplain and stream restoration
- Stormwater management
- Wetland restoration/creation

(3) Flood Hazard Mitigation Planning

Funding limit: \$100,000 for all subapplications combined (\$50,000 cap for state subapplications and \$25,000 cap for local subapplications)

Planning subapplications are for the flood hazard component of State, Local, Territory, and Tribal Hazard Mitigation Plans and plan updates.

(4) Individual Flood Mitigation Projects

Individual Flood Mitigation projects mitigate the risk of flooding to individual NFIP-insured structures.

For more information on eligible criteria for projects, please consult page 23 of the FMA NOFO.

SUBAPPLICATION EVALUATION CRITERIA

The State will review all subapplications for programmatic eligibility and completeness. All subapplications that pass the programmatic review will be ranked based on benefits to NFIP insured properties and submitted to FEMA.

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

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

PUBLIC NOTICE

Department of Health
New York State Medicaid Quality Strategy

In compliance with 42 CFR § 438.340 (c)(1), the New York State Department of Health is pleased to announce the beginning of the 30-day public comment period for a revised Medicaid Quality Strategy for New York State. The 30-day public comment period will close on November 19, 2021. This 30-day comment period is to ensure that the public is afforded the opportunity to provide written comments.

Quality Strategy Summary and Objectives

The Medicaid Quality Strategy is mandated by Federal regulations at 42 CFR Part 438, subpart D. The purpose of the Quality Strategy is to assess and improve the quality of Medicaid managed care services offered within New York State. The Quality Strategy serves as a blueprint or road map for the Department of Health's Medicaid Program and the contracted health plans in assessing the quality of care that members receive, as well as for setting forth measurable goals and targets for improvement. The Quality Strategy is being revised for years 2020-2022 as required by federal regulations. The Quality Strategy has no fiscal or enrollment impacts on the New York State Medicaid program, and there will be no impact on eligibility requirements, benefit coverage or cost sharing for individuals enrolled in the Medicaid program resulting from the Quality Strategy.

Submission and Review of Public Comments

A draft of the proposed Quality Strategy request is available for review at: https://www.health.ny.gov/health_care/medicaid/redesign/state_quality_strategy.htm. For individuals with limited online access and require special accommodation to access paper copies, please call (518) 486-6865 or (518) 918-7376.

Prior to finalizing the proposed Quality Strategy, the Department of Health will consider all written comments received. These comments will be summarized in the final submitted version.

Please direct all questions to 1115waivers@health.ny.gov with the subject line "Quality Strategy."

Written comments will be accepted by email at: 1115waivers@health.ny.gov with the subject line "Quality Strategy" or by mail at: Department of Health, Office of Quality and Patient Safety, Corning Tower, Rm. 2001, Albany, NY 12237

All comments must be postmarked or emailed by 30 days of the date of this notice.

PUBLIC NOTICE

Department of Health

The Department of Health proposes to amend the Traumatic Brain Injury (TBI) 1915(c) Waiver Program (waiver number NY.0269.04) in order to implement changes to the cost reporting process and update provider qualifications for Substance Abuse Program Services. The cost reporting changes will provide consistency in cost reporting requirements across both the Nursing Home Transition and Diversion (NHTD) and TBI 1915(c) waiver programs. Changes include allowing the use of a standardized template that is an abridged cost report for providers receiving \$100,000 or less in Medicaid reimbursement for claims submitted for waiver services. Additionally, the amendment updates definitions and procedures for cost reporting completed on/or after January 1, 2021.

NYS is also seeking to amend the TBI waiver to include self-employed Credentialed Alcoholism and Substance Abuse Counselor (CASAC) certified professionals as Independent Waiver Service Providers for Substance Abuse Program Services in order to expand the pool of available providers.

A draft of the proposed waiver amendment is available for review at: http://devweb.health.ny.gov/health_care/medicaid/redesign/mrt90/2021/docs/draft_app_1915c_waiver.pdf

There is no anticipated change to projected gross Medicaid expenditures as a result of this proposed amendment. The public is invited to review and comment on this initiative. Comments may be filed electronically at: waivertransition@health.ny.gov, or mailed to: Department of Health, Office of Health Insurance Programs, Division of Long Term Care, Bureau of Community Integration and Alzheimer's Disease, One Commerce Plaza, Suite 1605, Albany, NY 12210. All comments must be postmarked or emailed by 30 days of the date of this notice. Include "TBI Waiver Amendment" in the subject line and indicate your name and affiliation. Individuals without internet access may contact the Waiver Unit at: (518) 474-5271 to receive additional information.

PUBLIC NOTICE

Department of State
F-2021-0826

Date of Issuance – October 20, 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-2021-0826, Jason Collins, is proposing to install a 4' x 118.5'

open pile pier thru flow decking, 3' x 18' ramp to an 8' x 20' float with four anchor pilings at 2114 Prospect Road, Centerport.

Town of Huntington, Suffolk County, Centerport Harbor

The stated purpose of the proposed action is to provide safe mooring for recreational vessel and fishing access.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021October/f-2021-0826consistcert.pdf>

Original copies of public information and data submitted by the applicant are available for inspection at the 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 19, 2021.

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

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

PUBLIC NOTICE

Department of State Uniform Code Variance/Appeal Petitions

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

2021-0186 Matter of Helen Bogdanos, 121 Newbridge Road, Hicksville, NY 11891 for variances concerning, spacing at plumbing fixtures in an existing dwelling located at 21 Marvin Avenue, Town of Oyster Bay, County of Nassau, State of New York.

2021-0288 Matter of TPG Architecture, 1300 Walt Whitman Road, Melville, NY 11747 for a variance concerning, distance of exit access travel, involved is an existing building located at 2 Jericho Turnpike, Town of Oyster Bay, County of Nassau, State of New York.

2021-0356 Matter of James D. Smith, 522 Bay Lane, Centerville, MA 02632 for a variance concerning, number of toilet room fixtures involved in tenant space in an existing building located at 2403 Jericho Turnpike, Town of North Hempstead, County of Nassau, State of New York.

2021-0364 Matter of Michael E. Mallia, 499 Jericho Turnpike, Mineola, NY 11501 for a variance concerning, ceiling height requirements, involved is an existing dwelling located at 105 Third Street, Town of North Hempstead, County of Nassau, State of New York.

2021-0376 Matter of WXY Architecture, 25 Park Place, 5th Floor, New York, New York, 10007 for variances including, fire protection, construction and plumbing requirements, involved is a railroad station known as the LIRR Westbury Station located in Westbury, Town of Hempstead, County of Nassau, State of New York.

2021-0388 Matter of Jean Tommarchi, 608 Hicksville Road, Massapequa, NY 11758 for a variance concerning, the location of a tank accessory to an existing dwelling located at 608 Hicksville Road, Town of Oyster Bay, County of Nassau, State of New York.

2021-0441 Matter of David M. Ziskind, 225 Park Avenue South, New York, NY 10003 for a variance concerning, the location of manual fire alarm boxes in a building at 777 Seaview Avenue, Borough of Staten Island, City of New York, State of New York.

2021-0449 Matter of Michelle Conzolino, 1119 Roosevelt Way,

Westbury, New York 11590 for a variance concerning, the floor elevation of an addition to an existing dwelling located at 217 Washington Avenue, Town of Hempstead, County of Nassau, State of New York.

PUBLIC NOTICE

Department of State Uniform Code Variance/Appeal Petitions

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

2021-0474 Matter of James Cowen, 19 Avon Road, Larchmont, NY 10538, for a variance concerning safety requirements, including plumbing fixture spacing.

2021-0473 Matter of Kara & Paul Iaconis, 2 Woodland Drive, Mount Pleasant, NY 10595, for a variance concerning safety requirements, including emergency openings.

2021-0472 Matter of Nicholas Faustini, 6 Burns Street, Hartsdale, NY 10530, for a variance concerning safety requirements, including plumbing fixture spacing.

2021-0471 Matter of Nicholas Faustini, 6 Burns Street, Hartsdale, NY 10530, for a variance concerning safety requirements, including plumbing fixture spacing.

2021-0470 Matter of Dimovski Architecture, Dimovski Steve, 59 Kenisco Road, Thornwood, NY 10594, for a variance concerning safety requirements, including ceiling height.

2021-0469 Matter of Gregory Ralph Architect, Kai Peter, 1924 Route 22e, Bound Brook, NJ 08805, for a variance concerning safety requirements, including unisex bathrooms.

2021-0468 Matter of Piro Studio, Pietro Rosato, 1751 2nd Avenue, Suite 2, New York, NY 10128, for a variance concerning safety requirements, including ceiling height.

2021-0443 Matter of Thomas Harberson, 774 Pinesbridge Road, Ossining, NY 10562, for a variance concerning safety requirements, including ceiling height.

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.

2021-0488 In the matter of Caroline O'Donnell of Caroline O'Donnell Architects, 340 North Sunset Drive, Ithaca, NY 14850, for a variance for diminutive life safety code items concerned with the New York State Fire Code located at the residence of Dana Mueller, 20 The Byway, Town of Ithaca, Thompsons County, State of New York.

EXECUTIVE ORDERS

Executive Order No. 3: Continuing the Declarations of Disaster Emergencies.

WHEREAS, pursuant to Executive Order 198, issued November 20, 2019, a disaster was declared within the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne due to extensive flooding, widespread erosion, and water damage that caused significant damage to homes and other residential structures, businesses, and public infrastructure;

WHEREAS, pursuant to Executive Order 211, issued July 6, 2021, a statewide disaster was declared across the State due to gun violence;

WHEREAS, pursuant to Executive Order 212, issued August 19, 2021, a disaster was declared in Steuben County due to a post-tropical cyclone that caused significant rain causing power outages, downed trees, localized flash flooding, road closures, travel disruptions, and damage to public and private property;

WHEREAS, pursuant to Executive Order 213, issued August 21, 2021, a disaster was declared in the counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Suffolk, Westchester, Putnam, Rockland, Orange, Dutchess, Sullivan, Columbia, Delaware, Greene, Broome, Chenango, Otsego, Rensselaer, Schoharie, Albany, Montgomery, Schenectady, Saratoga, and contiguous counties due to power outages, downed trees, localized flash flooding, road closures, travel disruptions, and damage to public and private property throughout the affected areas;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby extend the state disaster emergencies as set forth in Executive Orders 198, 211, 212, and 213 and continue the terms, conditions, and suspensions contained in Executive Orders 198 through 198.19, 211, 211.1, 212, and 213 until October 23, 2021.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-third day of September in the year two thousand twenty-one.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

Executive Order No. 4: Declaring a Statewide Disaster Emergency Due to Healthcare Staffing Shortages in the State of New York.

WHEREAS, the current staffing shortages in hospital and other healthcare facilities are expected to impact availability of care, threatening public health and safety;

WHEREAS, severe understaffing in hospitals and other healthcare facilities is expected to effect the ability to provide critical care and to adequately serve vulnerable populations;

WHEREAS, there is an immediate and critical need to supplement staffing to assure healthcare facilities can provide care;

NOW, THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find, pursuant to

Section 28 of Article 2-B of the Executive Law, that a disaster is imminent in New York State, for which the affected local governments are unable to respond adequately, and I do hereby declare a Statewide disaster emergency for the entire State of New York. This Executive Order shall be in effect for thirty days from the date of this Executive Order; and

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize necessary State agencies to take appropriate action to assist local governments and individuals in the protection of public health, welfare, and safety.

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, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through October 27, 2021 the following:

- Sections 6512 through 6516, and 6524 of the Education Law and Part 60 of Title 8 of the NYCRR, to the extent necessary to allow physicians licensed and in current good standing in any state in the United States to practice medicine in New York State without civil or criminal penalty related to lack of licensure, and to allow physicians licensed and in current good standing in any province or territory of Canada, or any other country as approved by the Department of Health to practice medicine in New York State without civil or criminal penalty related to lack of licensure;
- Section 6502 of the Education Law and Section 59.8 of Title 8 of the NYCRR, to the extent necessary to allow physicians licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration;
- Sections 6512 through 6516, and 6905, 6906 and 6910 of the Education Law and Part 64 of Title 8 of the NYCRR, to the extent necessary to allow registered nurses, licensed practical nurses, and nurse practitioners licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure, and to allow registered nurses, licensed practical nurses, and nurse practitioners or a substantially similar title licensed and in current good standing in any province or territory of Canada, or any other country as approved by the Department of Health, to practice in New York State without civil or criminal penalty related to lack of licensure;
- Sections 6512 through 6516, and 6541 of the Education Law and Part 60.8 of Title 8 of the NYCRR, to the extent necessary to allow physician assistants licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure, and to allow physician assistants or a substantially similar title licensed and in current good standing in any province or territory of Canada, or any other country as approved by the Department of Health to practice in New York State without civil or criminal penalty related to lack of licensure;

- Sections 3502 and 3505 of the Public Health Law and Part 89 of Title 10 of the NYCRR to the extent necessary to permit radiologic technologists licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure;
- Sections 8502, 8504, 8504-a, 8505, and 8507 of the Education Law and Subpart 79-4 of Title 8 of the NYCRR, to the extent necessary to allow respiratory therapists licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure;
- Sections 6512 through 6516 and 8510 of the Education Law and 8 NYCRR Subpart 79-4 to the extent necessary to allow respiratory therapy technicians licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure;
- Section 6502 of the Education Law and 8 NYCRR 59.8, to the extent necessary to allow physician's assistants, registered professional nurses, licensed practical nurses, and nurse practitioners licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration, and to allow specialist assistants, respiratory therapists, respiratory therapist technicians, pharmacists, clinical nurse specialists, dentists, dental hygienists, registered dental assistants, midwives, perfusionists, clinical laboratory technologists, cytotechnologists, certified clinical laboratory technicians, certified histological technicians, licensed clinical social workers, licensed master social workers, podiatrists, physical therapists, physical therapist assistants, mental health counselors, marriage and family therapists, creative arts therapists, psychoanalysts and psychologists who have an unencumbered license and are currently in good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration;
- Sections 6951, 6952, 6953 and 6955 of the Education Law, to the extent necessary to allow midwives licensed and in current good standing in any state in the United States, or in any province or territory of Canada, or any other country as approved by the Department of Health to practice in New York State without civil or criminal penalty related to lack of licensure;
- Section 3507 of the Public Health Law and Part 89 of Title 10 of the NYCRR to the extent necessary to permit radiologic technologists licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration;
- Sections 6512 through 6516, 6548 and 6911 of the Education Law and sections 60.11 and 64.8 Title 8 of the NYCRR, to the extent necessary to allow clinical nurse specialists, specialist assistants, and substantially similar titles certified and in current good standing in any state in the United States, or any province or territory of Canada, or any other country as approved by the Department of Health to practice in New York State without civil or criminal penalty related to lack of certification;
- Sections 6512 through 6516, and 7704 of the Education Law and Part 74 of Title 8 of the NYCRR, to the extent necessary to allow licensed master social workers, licensed clinical social workers, and substantially similar titles licensed and in current good standing in any state in the United States, or in any province or territory of Canada, or any other country as approved by the Department of Health to practice in New York State without civil or criminal penalty related to lack of licensure;
- Section 6908 of the Education Law and associated regulations, to the extent necessary to permit graduates of State Education Department registered, licensure qualifying nurse practitioner education programs to be employed to practice nursing in a hospital or nursing home for 180 days immediately following successful completion of a New York State Registered licensure qualifying education program, provided that the graduate files with the State Education Department an application for certification as a nurse practitioner;
- Section 8609 of the Education Law and associated regulations, to the extent necessary to permit graduates of State Education Department registered, licensure qualifying clinical laboratory technology and clinical laboratory technician education programs to be employed to practice for 180 days immediately following successful completion of a New York State Registered licensure qualifying education program, in a clinical laboratory with a valid New York State permit, provided that the graduate files an application for a New York State clinical laboratory practitioner license and limited permit;
- Subdivision 5 of Section 6907 of the Education Law and associated regulation, to the extent necessary to permit graduates of registered professional nurse and licensed practical nurse licensure qualifying education programs registered by the State Education Department to be employed to practice nursing under the supervision of a registered professional nurse and with the endorsement of the employing hospital or nursing home for 180 days immediately following graduation;
- Section 6524 of the Education Law, section 60.7 of title 8 of NYCRR and section paragraph (1) of subdivision (g) 405.4 of title 10 of the NYCRR to the extent necessary to allow any physician who will graduate in 2021 or 2022 from an academic medical program accredited by a medical education accrediting agency for medical education by the Liaison Committee on Medical Education or the American Osteopathic Association, and has been accepted by an Accreditation Council for Graduate Medical Education accredited residency program within or outside of New York State to practice at any institution under the supervision of a licensed physician;
- Sections 6512 through 6516, and 6524 of the Education Law and Part 60 of Title 8 of the NYCRR, to the extent necessary to allow individuals, who graduated from registered or accredited medical programs located in New York State in 2021, to practice medicine in New York State, without the need to obtain a license and without civil or criminal penalty related to lack of licensure, provided that the practice of medicine by such graduates shall in all cases be supervised by a physician licensed and registered to practice medicine in the State of New York;
- Section 212 of the Retirement and Social Security Law, for the purpose of disregarding any income earned during the period of the emergency from the earnings limitation calculated under such section;
- Section 2805-k of the Public Health Law and sections 405.4, 405.5, 405.9, 405.14, 405.19, and 405.22 of Title 10 of the NYCRR, to the extent necessary to allow staff with the necessary professional competency and who are privileged and credentialed to work in a facility in compliance with such section of the Public Health Law and such sections of the NYCRR, or who are privileged and credentialed to work in a facility in another state in compliance with the applicable laws and regulations of that other state, to practice in a facility in New York State;
- Article 30 of the Public Health Law to the extent necessary to allow EMTs and Advanced EMTs to provide emergent and non-emergent services within their scope of practice beyond settings currently authorized, such as hospitals;
- Subdivision d and u of section 800.3 of Title 10 of the

NYCRR, to the extent necessary to permit emergency medical service personnel to provide community paramedicine, use alternative destinations, telemedicine to facilitate treatment of patients in place, and such other services as may be approved by the Commissioner of Health;

- Subdivision (7) of Public Health Law section 3001, and subdivision (p) of section 800.3 of Title 10 of the NYCRR, to the extent necessary to allow certified emergency medical technician-paramedics, providing community paramedicine services with prior approval of the Department of Health, to administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order and under the medical direction of a licensed physician, provided, however, that emergency medical technician-paramedics must first meet conditions set by the Commissioner of Health;
- Section 6951 of the Education Law, and section 79-5.5 of Title 8 of NYCRR, insofar as such provisions limit the practice of midwifery to management of normal pregnancies, child birth and postpartum care as well as primary preventive reproductive health care of essentially healthy women, and newborn evaluation, resuscitation and referral for infants, and insofar as it limits the practice of midwifery to midwives who practice in accordance with collaborative relationships with licensed physicians or hospitals, so that for the purposes of this disaster emergency, midwives may administer vaccinations against influenza and COVID-19 to any patient pursuant to a non-patient specific order at sites overseen or approved by the New York State Department of Health or local health departments, and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, provided, however, that a midwife without a certificate issued by the State Education Department for administering immunizing agents, must meet conditions set by the Commissioner of Health;
- Article 139 of the Education Law, Section 576-b of the Public Health Law and Section 58-1.7 of Title 10 of the NYCRR, to the extent necessary to permit registered nurses to order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19, for purposes of testing;
- Subdivision 1 of section 6902, Subdivision 4, 5 and 7 of section 6909 of the Education Law, subdivision 6 and 7 of section 6527 of the Education Law, and section 63.9 and 64.7 of Title 8 of the NYCRR, to the extent necessary to permit physicians and certified nurse practitioners to issue a non-patient specific regimen to nurses or any such other persons authorized by law or by this executive order to (1) collect throat or nasopharyngeal swab specimens from individuals suspected of suffering from a COVID-19 infection, for purposes of testing, or to perform such other tasks as may be necessary to provide care for individuals diagnosed or suspected of suffering from a COVID-19 infection; (2) collect blood specimens for the diagnosis of acute or past COVID-19 disease; (3) administer vaccinations against influenza or COVID-19 pursuant to the most recent recommendations by the Advisory Committee for Immunization Practices (ACIP) and/or an applicable United States Food and Drug Administration approval or Emergency Use Authorization (EUA), subject to any other conditions set forth in this Order, including but not limited to conditions related to training and supervision, where applicable; and (4) where applicable and to the extent necessary, to perform tasks, under the supervision of a nurse, otherwise limited to the scope of practice of a licensed or registered nurse to provide care for individuals;
- Sections 6521 and 6902 of the Education Law, subdivisions 4, 5, and 7 of section 6909 of the Education Law, subdivisions 6 and 7 of section 6527 of the Education Law, and sections 63.9 and 64.7 of Title 8 of the NYCRR insofar as they limit the execution of medical regimens prescribed by a licensed physicians or other licensed and legally authorized

health care providers to registered nurses licensed pursuant to Article 139 of the Education Law, to the extent necessary to permit non-nursing staff, as permitted by law and upon completion of training deemed adequate by the Commissioner of Health, to: (1) collect throat, nasal, or nasopharyngeal swab specimens, as applicable and appropriate, from individuals suspected of being infected by COVID-19 or influenza, for purposes of testing; (2) collect blood specimens for the diagnosis of acute or past COVID-19 disease; (3) administer vaccinations against influenza or COVID-19 pursuant to the most recent recommendations by the Advisory Committee for Immunization Practices (ACIP) and/or an applicable United States Food and Drug Administration approval or Emergency Use Authorization (EUA), subject to any other conditions set forth in this Order, including but not limited to conditions related to training and supervision, where applicable; and (4) where applicable and to the extent necessary, to perform tasks, under the supervision of a nurse, otherwise limited to the scope of practice of a licensed or registered nurse to provide care for individuals;

- Subdivision (b) of section 405.3 of Title 10 of the NYCRR, to the extent necessary to allow general hospitals to use qualified volunteers or personnel affiliated with different general hospitals, subject to the terms and conditions established by the Commissioner of Health;
- Section 400.9 and paragraph 7 of subdivision h of section 405.9 of Title 10 of the NYCRR, to the extent necessary to permit general hospitals and nursing homes licensed pursuant to Article 28 of the Public Health Law that are treating patients during the disaster emergency to discharge, transfer, or receive such patients, as authorized by the Commissioner of Health if necessary due to staffing shortages, provided such facilities take all reasonable measures to protect the health and safety of such patients and residents, including safe transfer and discharge practices, and to comply with the Emergency Medical Treatment and Active Labor Act (42 U.S.C. section 1395dd) and any associated regulations;
- Section 64.7 of Title 8 of the NYCRR to expand nurse-initiated protocols to include electrocardiogram (EKG) for signs and symptoms of acute coronary syndrome, blood glucose for altered mental state, Labs and intravenous lines for potential sepsis and pre-procedure pregnancy testing to expedite evaluation and diagnosis;
- Section 415.15 of Title 10 of the NYCRR to the extent necessary to allow physician visits for nursing home residents to be performed via telemedicine;
- Sections 405.13 and 755.4 of Title 10 of the NYCRR to the extent necessary to permit an advanced practice registered nurse with a doctorate or master's degree specializing in the administration of anesthesia administering anesthesia in a general hospital or free-standing ambulatory surgery center without the supervision of a qualified physician in these health care settings;
- Sections 800.3, 800.8, 800.9, 800.10, 800.12, 800.17, 800.18, 800.23, 800.24, and 800.26 of Title 10 of the NYCRR to the extent necessary to extend all existing emergency medical services provider certifications for one year; to permit the Commissioner of Health to modify the examination or recertification requirements for emergency medical services provider certifications; to suspend or modify, at the discretion of the Commissioner of Health, any requirements for the recertification of previously certified emergency medical services providers; and, at the discretion of the Commissioner of Health, develop a process determined by the Department of Health, to permit any emergency medical services provider certified or licensed by another State to provide emergency medical services within New York state; at the discretion of the Commissioner of Health, to suspend or modify equipment or vehicle requirements in order to ensure sustainability of EMS operations;

- Subdivision (15) of section 3001, and sections 800.3, 800.15 and 800.16 of Title 10 of the NYCRR with approval of the Department of Health, to the extent necessary to define “medical control” to also include emergency and non-emergency direction to emergency medical services personnel by a regional or state medical control center and to permit emergency medical services personnel to operate under the advice and direction of a nurse practitioner, physician assistant, or paramedic, provided that such medical professional is providing care under the supervision of a physician and pursuant to a plan approved by the Department of Health;
- Section 3001, 3005-a, 3008, and 3010 of the Public Health Law to the extent necessary to modify the definition of “emergency medical services” to include emergency, non-emergency and low acuity medical assistance only for the purpose of eliminating restrictions on an approved ambulance services or providers operating outside of the primary territory listed on such ambulance service’s operating certificate with prior approval by the Department of Health; to permit the Commissioner of Health to issue provisional emergency medical services provider certifications to qualified individuals with modified certification periods as approved; and to allow emergency medical services to transport patients to locations other than healthcare facilities with prior approval by Department of Health;
- Sections 6502, 6524, 6905, 6906 and 6910 of the education law and Part 59.8 of Title 8 of the NYCRR to the extent necessary to authorize retired physicians, registered professional nurses, licensed practical nurses, and nurse practitioners licensed to practice and in current good standing in New York State, but not currently registered in New York State, to re-register through use of an expedited automatic registration form developed by the state and to waive any registration fee for the triennial registration period for such registrants;
- Paragraph 1 of section 6542 of the Education Law, Paragraph 1 of section 6549 of the Education Law, and Subdivisions (a) and (b) of Section 94.2 of Title 10 of the NYCRR to the extent necessary to permit a physician assistant, and to permit a specialist assistant, to provide medical services appropriate to their education, training and experience without oversight from a supervising physician without civil or criminal penalty related to a lack of oversight by a supervising physician;
- Subdivision (3) of section 6902 of Education Law, and any associated regulations, including, but not limited to, Section 64.5 of Title 10 of the NYCRR, to the extent necessary to permit a nurse practitioner to provide medical services appropriate to their education, training and experience, without a written practice agreement, or collaborative relationship with a physician, without civil or criminal penalty related to a lack of written practice agreement, or collaborative relationship, with a physician;
- Subparagraph (ii) of paragraph (2) of subdivision (g) of 10 N.Y.C.R.R. section 405.4, to the extent necessary to allow graduates of foreign medical schools having at least one year of graduate medical education to provide patient care in hospitals, is modified so as to allow such graduates without licenses to provide patient care in hospitals if they have completed at least one year of graduate medical education;
- Subdivision 4 of section 6909 of the Education Law, subdivision 6 of section 6527 of the Education Law, and section 64.7 of Title 8 of the NYCRR, to the extent necessary to permit physicians and certified nurse practitioners to issue a non-patient specific regimen to nurses or any such other persons authorized by law or by this executive order to collect throat or nasopharyngeal swab specimens from individuals suspected of suffering from a COVID-19 infection, for purposes of testing, or to perform such other tasks as may be necessary to provide care for individuals diagnosed or suspected of suffering from a COVID-19 infection;
- Sections 8602 and 8603 of the Education Law, and section 58-1.5 of Title 10 of the NYCRR, to the extent necessary to permit individuals who meet the federal requirements for high complexity testing to perform testing for the detection of SARS-CoV-2 in specimens collected from individuals suspected of suffering from a COVID-19 infection;
- Article 165 of the Education Law and section 58-1.3 of Title 10 of the NYCRR, to the extent necessary to allow clinical laboratory practitioners to perform testing in a clinical laboratory under remote supervision, provided a supervisor is on-site at least eight hours per week;
- Subdivision 32 of Section 6530 of the Education Law, Paragraph (3) of Subdivision (a) of Section 29.2 of Title 8 of the NYCRR, and Sections 58-1.11, 405.10, and 415.22 of Title 10 of the NYCRR, only to the extent necessary for health care providers to be relieved of recordkeeping requirements, including but not limited to assigning diagnostic codes or creating or maintaining other records for billing purposes, without civil or criminal penalty imposed by the Department of Health or State Education Department;
- Section 112 of the State Finance Law, to the extent consistent with Article V, Section 1 of the State Constitution, and to the extent necessary to add additional work, sites, and time to State contracts or to award emergency contracts, including but not limited to emergency contracts or leases for relocation and support of State operations under section 3 of the Public Buildings Law; or emergency contracts under Section 9 of the Public Buildings Law; or emergency contracts for professional services under Section 136- a of the State Finance Law; or emergency contracts for commodities, services, and technology under Section 163 of the State Finance Law; or emergency contracts for purchases of commodities, services, and technology through any federal GSA schedules, federal 1122 programs, or other state, regional, local, multi-jurisdictional, or cooperative contract vehicles;
- Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent necessary to expedite contracting for necessary services, commodities, and technology;
- Section 4903 of the Insurance Law and Section 4903 of the Public Health Law only to the extent necessary to increase availability of healthcare staff, upon certification by the hospital to the health plan, by suspending requirements for preauthorization review for scheduled surgeries in hospital facilities, hospital admissions, hospital outpatient services, home health care services following a hospital admission, and inpatient and outpatient rehabilitation services following a hospital admission; and to suspend concurrent review for inpatient and outpatient hospital services; and to suspend retrospective review for inpatient and outpatient hospital services at in-network hospitals; during the pendency of this Executive Order only; and
- Subsection c of section 4904 of the Insurance Law, paragraph 1 of subsection b of section 4914 of the Insurance Law, subdivision 3 of section 4904 of the Public Health Law, and paragraph a of subdivision 2 of section 4914 of the Public Health Law, to toll statutory timeframes required for hospital submission of an internal appeal and external appeal only to the extent necessary to increase availability of healthcare staff during the pendency of this Executive Order only.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-seventh day of September in the year two thousand twenty-one.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

Executive Order No. 5: Declaration of a Disaster Emergency in the Counties of the Bronx, Kings, New York, Richmond and Queens Due to Conditions at Rikers Island Correctional Center.

WHEREAS, the Rikers Island Correctional Center has been facing a severe staffing shortage in recent months;

WHEREAS, the conditions in the facilities have led to an unsafe, life-threatening environment for both the inmates and the staff;

WHEREAS, a federal monitor appointed to oversee the Correctional Center reported a “pervasive level of disorder and chaos,” in the facilities in its Eleventh Report of the Nunez Independent Monitor;

WHEREAS, there has been an increased number of deaths of inmates at Rikers Island this year;

WHEREAS, there is a need to facilitate the use of virtual court appearances to expedite proceedings and to reallocate corrections department staff from transportation and production of defendants to housing supervision and safety;

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 find that a disaster has occurred and is ongoing for which the affected local governments are unable to respond adequately. Therefore, I hereby declare a state disaster emergency, effective September 28, 2021 and until further notice in Bronx, Kings, New York, Richmond and Queens counties; and

FURTHER, 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, during a state disaster emergency, if compliance with such would prevent, hinder, or delay action necessary to cope with the disaster emergency, I hereby temporarily suspend and modify the following through October 28, 2021:

- Article 182 of the Criminal Procedure Law to the extent necessary to allow a court to dispense with the personal appearance of any party or witness and conduct by means of electronic appearances: (i) except for good cause shown, any arraignment in supreme court on an indictment or superior court information, calendar call, court conference or motion argument; (ii) provided that the defendant consents, any plea, sentence or testimony in the grand jury by a defendant; and (iii) provided that the defendant and the prosecutor consent, any evidentiary hearing or non-jury trial.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-eighth day of September in the year two thousand twenty-one.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

