
NEW YORK STATE
REGISTER

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

For notices published in this issue:

- the 60-day period expires on January 2, 2022
- the 45-day period expires on December 18, 2021
- the 30-day period expires on December 3, 2021

**KATHY HOCHUL
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-44-21-00003-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Mental Hygiene under the subheading “Office of Mental Health,” by deleting therefrom the position of Assistant Public Information Officer and by adding thereto the position of Chief Diversity Officer; and

Amends Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading “Office of Mental Health,” by adding thereto the position of Public Information Specialist 3 (Digital Content) (1).

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-44-21-00004-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing position in the exempt class, in the Department of Health under the subheading “Office of the Medicaid Inspector General,” by increasing the number of positions of Deputy Medicaid Inspector General from 3 to 4.

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

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

Job Impact Statement

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-44-21-00005-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Agriculture and Markets, by adding thereto the position of Assistant Director Agricultural Development (1).

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-44-21-00006-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete a position in the exempt class.

Text of proposed rule: Amends Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Education Department, by deleting therefrom the position of Specialist in Indian Culture.

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-44-21-00007-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of General Services," by adding thereto the position of Print Operations Manager (1).

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

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

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

Regulatory Impact Statement

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

Department of Economic Development

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Music and Theatrical Tax Credit Program

I.D. No. EDV-44-21-00001-P

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

Proposed Action: Amendment of Part 240 of Title 5 NYCRR.

Statutory authority: L. 2014, ch. 59, part HH

Subject: Music and Theatrical Tax Credit program.

Purpose: Update regulations to include a third party verification process for application.

Text of proposed rule: Section 240.11. Third Party Verification

The Department may accept from an applicant a third party verification as part of an applicant's final application. Submission of a third party verification shall be voluntary and shall be subject to review and approval by the Department pursuant to section 240.6 of this Part. The voluntary submission of a third party verification by an approved applicant as part of its final application shall in no way or manner affect the review and approval by the Department of a final application submitted by an approved applicant that elects not to submit a third party verification. Such final application shall be subject to review and approval by the Department pursuant to section 240.6 of this Part.

Text of proposed rule and any required statements and analyses may be obtained from: Jillian Cringle, NYS Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5110, email: jillian.cringle@esd.ny.gov

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

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

Regulatory Impact Statement

STATUTORY AUTHORITY:

Chapter 59 of the Laws of 2014 allowed the Commissioner of the Department of Economic Development (the "Department") to promulgate regulations establishing the application process for the Musical and Theatrical Production Tax Credit Program. These regulations included provisions describing the application process, the due dates for such applications, the standards that will be used to evaluate the applications, the documentation that would be provided by applicants to substantiate to the department the amount of qualified production expenditures of such applicants, and such other provisions as were deemed necessary and appropriate.

LEGISLATIVE OBJECTIVES:

Chapter 59 of the Laws of 2014 allows the Department to promulgate regulations regarding the administration of the Program, including but not limited to the evaluation and verification of application materials. It is the Legislature's objective to have this program run efficiently and in a timely manner. This regulation change fosters this goal by providing a mechanism for faster internal review of applications.

NEEDS AND BENEFITS:

The proposed rule amends the administrative process of this program to allow for applicants to voluntarily submit to a third party verification of their applications. This will provide consistency between this program and the New York City Musical and Theatrical Production Tax Credit program, which currently allows for third party verification of applications. This effectively expedites the Department's review of the application.

Amendment of the administrative process for this program will provide musical and theatrical productions outside of New York City the opportunity to submit third party verifications with their applications. This will accelerate review of applications for this program and further support the entertainment industries outside of New York City during these difficult pandemic times.

COSTS:

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

II. Costs to the regulating agency for the implementation and continued administration of the rule: There are no costs imposed on the agency as a result of this amendment.

III. Costs to the State government: There are no costs imposed on the State as a result of this amendment.

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

LOCAL GOVERNMENT MANDATES:

None. There are no local government mandates associated with this program.

PAPERWORK:

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

DUPLICATION:

The proposed rule amends an existing tax credit program and, accordingly, there is no risk of duplication in the adoption of the proposed rule.

ALTERNATIVES:

Since this program was authorized with broad statutory language concerning its administration, the Department believes a regulation was necessary to codify appropriate administrative requirements of the program.

FEDERAL STANDARDS:

There are no federal standards applicable to this program; it is purely a state tax credit program. Therefore, the proposed rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

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

Regulatory Flexibility Analysis

Participation in the Musical and Theatrical Production tax credit program is entirely at the discretion of qualifying musical and theatrical production companies. Neither statute nor the proposed rule impose any obligation on any local government or business entity to participate in the program. The proposed rule does not impose any adverse economic impact or compliance requirements on small businesses or local governments. In fact, the proposed rule may have a positive economic impact on small businesses.

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

Rural Area Flexibility Analysis

The proposed rulemaking does not impose any special reporting, record-keeping or other compliance requirements on public or private entities in rural areas. Therefore, the rule will not have a substantial adverse economic impact on rural areas nor on the reporting, recordkeeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The proposed rule amends the administrative process for the Musical and Theatrical Production tax credit program. The program will not have a substantial adverse impact on jobs and employment opportunities; rather, the program is intended to increase employment opportunities.

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

Education Department

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer COVID-19 Immunizations

I.D. No. EDU-44-21-00008-EP

Filing No. 1090

Filing Date: 2021-10-19

Effective Date: 2021-10-19

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

Proposed Action: Amendment of section 64.7 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507, 6527, 6902 and 6909

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

Specific reasons underlying the finding of necessity: The COVID-19 pandemic continues to be a major public health threat both statewide and nationally. Accordingly, immunizing persons against COVID-19 remains a top public health priority. The proposed amendment is necessary to ensure greater access to immunizations against COVID-19, as permitted by Education Law § 6909. This law allows registered professional nurses to administer immunizations pursuant to non-patient specific orders issued by a licensed physician or a certified nurse practitioner in accordance with the Commissioner's regulations. The proposed amendment to subdivision (a) of section 64.7 of the Commissioner's regulations will permit a registered professional nurse to administer COVID-19 immunizations pursuant to a non-patient specific order issued by a licensed physician or a certified nurse practitioner. Allowing more registered professional nurses to administer COVID-19 immunizations pursuant to a non-patient specific order and protocol will protect more New Yorkers from this harmful and potentially deadly disease.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment can be presented for regular (non-emergency) adoption, after expiration of the required 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) section 202(1) and (5), would be the February 2022 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the February 2022 meeting, would be March 2, 2022, the date a Notice of Adoption would be published in the State Register. However, emergency adoption is necessary to maximize the potential health benefits of increasing access to COVID-19 vaccinations in New York State.

Therefore, emergency action is necessary at the October 2021 Regents meeting for preservation of the public health and general welfare in order to enable the State Education Department to immediately implement the proposed amendment to authorize registered professional nurses to execute non-patient specific orders prescribed by a licensed physician or a certified nurse practitioner to administer COVID-19 immunizations in order to expand access to needed COVID-19 immunizations for children and adults during the ongoing COVID-19 pandemic.

It is anticipated that the proposed amendment will be presented for permanent adoption at the February 2022 Regents meeting, which is the first scheduled meeting after the expiration of the 60-day public comment period mandated by SAPA for state agency rule making. However, since the emergency action will expire before the February 2022 Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the January 2022 Regents meeting.

Subject: Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer COVID-19 Immunizations.

Purpose: To ensure greater access to immunizations against COVID-19, as permitted by Education Law section 6909.

Text of emergency/proposed rule: Subdivision (a) of section 64.7 of the Regulations of the Commissioner of Education is amended, to read as follows:

(a) Immunizations.

(1) As used in this subdivision:

(i) Immunizing agents means vaccines and immunoglobulin drugs

approved by the federal Food and Drug Administration to provide immunity against diseases caused by the infectious agents described in clauses (a) through (e[d]) of this subparagraph.

(a) In the case of adults, vaccines against the following infectious diseases: Hepatitis A, Hepatitis B, Influenza, Pneumococcus, Diphtheria, Tetanus, Measles, Mumps, Rubella, Varicella, Polio, Pertussis, Human Papilloma Virus, Meningococcus, and Herpes Zoster;

(b) In the case of infants and children under the age of 18, vaccines against the following infectious diseases: Diphtheria, Tetanus, Pertussis, Measles, Mumps, Rubella, Varicella, Haemophilus Influenzae Type b (Hib), Polio, Hepatitis B, Hepatitis A, Influenza, Meningococcus, Pneumococcus, Rotavirus, and Human Papilloma Virus[.];

(c) immunizing agents against an infectious disease that causes an epidemic or a community wide outbreak, provided that such immunizing agents are administered as part of a public health program established by the Commissioner of the Department of Health, a County Commissioner of Health, or a County Public Health Director to immunize persons against the infectious disease during the epidemic or community outbreak of the infectious disease; [and,]

(d) additional immunizing agents approved by resolution of the Board of Regents upon recommendation by the commissioner that such additional immunization agents are safe and effective immunization agents for registered professional nurses to administer to patients, pursuant to a non-patient specific order and protocol as prescribed in this section, after consideration of the recommendations of State and/or nationwide authorities that evaluate the effectiveness and safety of immunization agents, including but not limited to the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services. Such additional immunization agents, which are not specifically enumerated in this subparagraph, may be removed by resolution of the Board of Regents, upon recommendation of the commissioner that such immunization agents are not safe and effective immunization agents for registered professional nurses to administer to patients, pursuant to a non-patient specific order and protocol as prescribed in this section, after consideration of the recommendations of State and/or nationwide authorities that evaluate the effectiveness and safety of immunization agents, including but not limited to the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services; and

(e) vaccines that are fully approved or authorized for emergency use by the federal Food and Drug Administration to provide immunity against COVID-19 and administered in accordance with applicable federal Food and Drug Administration requirements and recommendations.

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 16, 2022.

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

Data, views or arguments may be submitted to: Sarah S. Benson, NYS Education Department, Office of the Professions, 89 Washington Ave, 2nd Floor EB, Albany, NY 12234, (518) 474-6400, email: REGCOMMENTS@nysed.gov

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:

Section 207 of the Education Law grants general rule-making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Paragraph (a) of subdivision (6) of section 6527 of the Education Law authorizes registered professional nurses to administer immunizations pursuant to a non-patient specific order and protocol prescribed by a licensed physician.

Paragraph (1) of section 6902 of the Education law defines the practice of the profession of nursing for registered professional nurses.

Paragraph (a) of subdivision (4) of section 6909 of the Education Law authorizes registered professional nurses to administer immunizations pursuant to a non-patient specific order and protocol prescribed by a certified nurse practitioner in accordance with regulations of the Commissioner of Education.

2. LEGISLATIVE OBJECTIVES:

Paragraph (a) of subdivision (6) of section 6527 of the Education Law and paragraph (a) of subdivision (4) of section 6909 of the Education Law were enacted to protect the public health of New York State by facilitating immunization of individuals against potentially harmful and deadly infectious diseases, like COVID-19. The proposed regulatory amendment carries out the intent of the aforementioned statutes that the Department shall supervise the regulation of the practice of the professions for the benefit of the public. The purpose of the proposed amendment is to ensure greater access to immunizations against COVID-19 by allowing registered professional nurses to administer COVID-19 vaccines pursuant to a non-patient specific order issued by a licensed physician or a certified nurse practitioner. The proposed amendment requires that the COVID-19 vaccines be fully approved or authorized for emergency use by the federal Food and Drug Administration (FDA) to immunize persons against COVID-19. It also requires that the COVID-19 vaccines are administered in accordance with applicable FDA requirements and recommendations. These requirements help to ensure that the vaccinations against COVID-19 will be administered as safely as possible.

3. NEEDS AND BENEFITS:

The purpose of the proposed rule is to authorize licensed registered professional nurses to execute non-patient specific orders prescribed by a licensed physician or certified nurse practitioner to administer vaccines against COVID-19 in accordance with federal FDA requirements and recommendations. The proposed amendment, if adopted, will ensure expanded access to needed COVID-19 vaccinations.

4. COSTS:

(a) Costs to State government: There are no additional costs to state government.

(b) Costs to local government: There are no additional costs to local government.

(c) Cost to private regulated parties: There are no mandatory costs to private regulated parties.

(d) Cost to the regulatory agency: There are no additional costs to the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program service, duty, responsibility, or other mandate on local governments.

6. PAPERWORK:

The proposed rule amendment does not impose any reporting, record keeping or other requirements on licensed physicians and certified nurse practitioners unless they choose to prescribe non-patient specific orders and protocols to permit registered professional nurses to administer vaccines against COVID-19. If a licensed physician or certified nurse practitioner chooses to prescribe such non-patient specific orders and protocols, the proposed rule requires them to, inter alia, issue these orders and protocols in writing.

The proposed amendment does not impose any reporting, recordkeeping, or other requirements on registered professional nurses unless they choose to administer immunizations against COVID-19 pursuant to non-patient specific orders and protocols issued by a licensed physician or certified nurse practitioner. If registered professional nurses choose to do so, the proposed amendment requires them to, inter alia, document the administration of the COVID-19 immunizations, and report to the New York State Immunization Information System (NYSIIS) or if administered in New York City, to the Citywide Immunization Registry (CIR), if required by section twenty-one hundred sixty-eight of Public Health Law. The proposed rule also requires copies of the non-patient specific orders and protocols to be maintained in the patient's medical records.

7. DUPLICATION:

There are no other state requirements on the subject matter of the proposed rule. The Public Readiness and Emergency Preparedness Act (PREP Act) (42 U.S.C. 247d-6d and 42 U.S.C. 247d-6e) authorizes the Secretary of the Department of Health and Human Services to issue a PREP Act declaration, which provides immunity from liability for activities performed during an emergency. In March 2020, the Secretary to the Department of Health and Human Services issued a PREP Act declaration to provide liability immunity for activities related to medical countermeasures against COVID-19. These countermeasures included the administration of COVID-19 vaccines under certain conditions. However, the provisions and protections of this federal act are temporary and do not provide permanent authorization for licensed registered professional nurses to execute non-patient specific orders prescribed by a licensed physician or certified nurse practitioner to administer vaccines against COVID-19 in accordance with federal FDA requirements and recommendations.

8. ALTERNATIVES:

The proposed amendment implements statutory requirements, consistent with current FDA requirements and recommendations for immunizing individuals against COVID-19. The only alternative is to not amend subdivision (a) of section 64.7 of the Commissioner's regulations, which

would result in no enhancement of access to needed immunizations nor increase in the authority of registered professional nurses to protect the public health of New Yorkers through immunization. Given this, there are no viable alternatives to the proposed amendment.

9. FEDERAL STANDARDS:

See Duplication section above.

10. COMPLIANCE SCHEDULE:

The proposed rule amendment is necessary to conform the Commissioner's regulations of the Commissioner of Education to current State and federal immunization standards and to increase access to COVID-19 immunizations during the ongoing State and national COVID-19 pandemic. If adopted at the February 2022 Regents meeting, the proposed rule amendment will become effective on March 2, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendments by their respective effective dates.

Regulatory Flexibility Analysis

The purpose of the proposed rule is to authorize licensed registered professional nurses to execute non-patient specific orders prescribed by a licensed physician or certified nurse practitioner to administer vaccines against COVID-19 in accordance with federal Food and Drug Administration (FDA) requirements and guidance. The proposed rule's requirements will help to ensure that the vaccinations against COVID-19 will be administered as safely as possible.

The proposed rule will not impose any reporting, recordkeeping or other compliance requirements or costs or have any adverse economic impact on small businesses or local governments. Because it is evident from the proposed rule that it will not adversely affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis**1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:**

The proposed rule amendment will apply to all New York State registered professional nurses who decide to administer vaccines against COVID-19 pursuant to non-patient specific orders and protocols issued by a licensed physician or certified nurse practitioner, including those who are located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less. Of the approximately 336,000 registered professional nurses who are registered to practice in New York State, approximately 35,000 reported that their permanent address of record is in a rural county of New York State.

The proposed rule will also apply to all New York State certified nurse practitioners who decide to issue non-patient specific orders and protocols to authorize registered professional nurses to administer COVID-19 immunizations, including certified nurse practitioners who are located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less. Of the approximately 31,000 certified nurse practitioners who are registered to practice in New York State, approximately 3,500 reported that their permanent address of record is in a rural county of New York State.

Additionally, the proposed rule will apply to all New York State licensed physicians who decide to issue non-patient specific orders and protocols to authorize registered professional nurses to administer immunizations, including licensed physicians who are located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less. Of the approximately 103,000 licensed physicians who are registered to practice in New York State, approximately 3,100 reported that their permanent address of record is in a rural county of New York State.

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

The COVID-19 pandemic continues to be a major public health threat both statewide and nationally and, therefore, immunizing persons against COVID-19 remains a top public health priority. To ensure greater access to immunizations against COVID-19, the proposed amendment to subdivision (a) of section 64.7 of the Commissioner's regulations would allow a registered professional nurse to administer COVID-19 vaccines pursuant to a non-patient specific order issued by a licensed physician or a certified nurse practitioner. The proposed amendment further requires that the COVID-19 vaccines be fully approved or authorized for emergency use by the federal Food and Drug Administration (FDA) to immunize persons against COVID-19. It also requires that the COVID-19 vaccines be administered by registered professional nurses in accordance with applicable FDA requirements and recommendations. These requirements will help to ensure that the vaccinations against COVID-19 will be administered as safely as possible.

The proposed amendment does not impose any reporting, recordkeep-

ing or other requirements on licensed physicians and certified nurse practitioners, unless they choose to prescribe non-patient specific orders and protocols to permit registered professional nurses to administer COVID-19 vaccines. If a licensed physician or certified nurse practitioner chooses to prescribe such non-patient specific orders and protocols, the proposed rule requires them to, inter alia, issue these orders and protocols in writing.

The proposed amendment does not impose any reporting, recordkeeping or other requirements on registered professional nurses, unless they choose to administer immunizations pursuant to non-patient specific orders and protocols issued by a licensed physician or certified nurse practitioner. If registered professional nurses choose to do so, the proposed amendment requires them to, inter alia, document the administration of immunizations, and report to the New York State Immunization Information System (NYSIIS) or if administered in New York City, to the Citywide Immunization Registry (CIR), if required by section twenty-one hundred sixty-eight of Public Health Law. The proposed rule also requires copies of the non-patient specific orders and protocols to be maintained in the patient's medical records.

3. COSTS:

The proposed rule will not impose any costs on any licensed physician, certified nurse practitioner, registered professional nurse or other party.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to ensure that registered professional nurses can administer vaccines against COVID-19 pursuant to non-patient specific orders in accordance with FDA guidelines to enhance the protection of the public health by expanding access to needed COVID-19 vaccines. Thus, the Department has determined that the proposed amendment's requirements should apply to all licensed physicians and certified nurse practitioners in New York State who issue such non-patient specific orders and protocols and to all registered nurses in New York State who execute such non-patient specific orders. Because of the nature of the proposed rule, alternative approaches for rural areas were not considered.

5. RURAL AREA PARTICIPATION:

Comments on the proposed rule were solicited from statewide organizations representing all parties having an interest in the practice of licensed physicians, certified nurse practitioners, and registered professional nurses. These organizations included the New York State Department of Health, the State Board for Nursing and professional associations representing the nursing and medical professions. These groups have members who live or work in rural areas.

Job Impact Statement

The purpose of the proposed rule is to authorize licensed registered professional nurses to execute non-patient specific orders prescribed by a licensed physician or certified nurse practitioner to administer vaccines against COVID-19 in accordance with federal Food and Drug Administration requirements and recommendations.

The proposed amendment will not have a substantial impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule will have no impact on jobs or employment opportunities attributable to its adoption or only potentially a positive impact, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one was not prepared.

NOTICE OF ADOPTION

Mandatory Peer Review Program in the Profession of Public Accountancy

I.D. No. EDU-25-21-00016-A

Filing No. 1091

Filing Date: 2021-10-19

Effective Date: 2021-11-03

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

Action taken: Addition of section 29.10(j); amendment of section 70.10 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507, 6509, 7408 and 7410

Subject: Mandatory Peer Review Program in the Profession of Public Accountancy.

Purpose: 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.

Text or summary was published in the June 23, 2021 issue of the Register, I.D. No. EDU-25-21-00016-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Addressing the COVID-19 Crisis

I.D. No. EDU-30-21-00003-A

Filing No. 1094

Filing Date: 2021-10-19

Effective Date: 2021-11-03

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

Action taken: Amendment of sections 52.30, 63.9, 70.4, 74.6, 75.2, 75.5, 76.2, 79-9.3, 79-10.3, 79-11.3, 79-12.3, 80-5.3, 80-5.4, 83.5, 87.2, 87.5, 145-2.15, 155.17, 200.5, 200.6 and 279.15 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 210, 212, 301, 305, 308, 311, 661, 1709, 2801-a, 3001, 3001-d, 3004, 3004-c, 3009, 3035, 4402, 4403, 4404, 4410, 6501, 6504, 6506, 6507, 6527, 6802, 6909, 7404, 7704, 7904, 7904-a, 8206; L. 2020, ch. 110

Subject: Addressing the COVID-19 crisis.

Purpose: To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

Text or summary was published in the July 28, 2021 issue of the Register, I.D. No. EDU-30-21-00003-EP.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Relates to Term Limits for Members of the Advisory Committee on Long-Term Clinical Clerkships

I.D. No. EDU-30-21-00004-A

Filing No. 1089

Filing Date: 2021-10-19

Effective Date: 2021-11-03

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

Action taken: Amendment of section 60.2 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 605, 6501, 6504, 6506, 6507, 6508, 6524, 6525, 6526, 6541 and 6548

Subject: Relates to term limits for members of the advisory committee on long-term clinical clerkships.

Purpose: To make a technical amendment relating to term limits for members of the advisory committee on long-term clinical clerkships.

Text or summary was published in the July 28, 2021 issue of the Register, I.D. No. EDU-30-21-00004-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

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

Removing Face-to-Face Instruction Requirement for the Dignity For All Students Act (DASA) Training

I.D. No. EDU-44-21-00009-P

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

Proposed Action: Amendment of sections 52.21, 57-4.5 and 80-1.13 of Title 8 NYCRR.

Statutory authority: Education Law, sections 14, 101, 207, 208, 305, 308, 3001, 3004 and 3009

Subject: Removing face-to-face instruction requirement for the Dignity For All Students Act (DASA) Training.

Purpose: To remove the face-to-face instruction requirement for DASA training.

Text of proposed rule: 1. Paragraph (5) of subdivision (a) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(5) All registered teacher education programs leading to certification in the classroom teaching service, school service, or administrative and supervisory service shall provide six clock hours[, of which at least three hours must be conducted through face-to-face instruction,] of coursework or training in the prevention and intervention of harassment, bullying and discrimination[, except that the six clock hours of coursework or training may be provided entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis]. Such coursework or training shall include, training on the social patterns of harassment, bullying and discrimination, as defined in section 11 of the Education Law, including but not limited to those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

2. Item (xiii) of subclause (1) of clause (c) of subparagraph (ii) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(xiii) means for the prevention of and intervention in harassment, bullying and discrimination in accordance with section 14 of the Education Law. Such study shall include six clock hours[, of which at least three hours must be conducted through face-to-face instruction,] of course work or training on the social patterns of harassment, bullying and discrimination; as defined in section 11 of the Education Law, including but not limited to those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings[, except that the six clock hours of coursework or training may be provided entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis].

3. Item (X) of subitem (A) of item (i) of subclause (1) of clause (a) of subparagraph (xiii) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(X) means for the prevention of and intervention harassment, bullying and discrimination in accordance with section 14 of the Education Law. Such study shall include six clock hours[, of which at least three hours must be conducted through face-to-face instruction,] of course work or training on the social patterns of harassment, bullying and discrimination, as defined in section 11 of the Education Law, including but not limited to those acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for ef-

fectively addressing problems of exclusion, bias and aggression in educational settings[, except that the six clock hours of coursework or training may be provided entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis], and

4. Subitem (J) of item (iv) of subclause (2) of clause (b) of subparagraph (xvii) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(J) means for the prevention of and intervention in harassment, bullying and discrimination in accordance with section 14 of the Education Law. Such study shall include six clock hours[, of which at least three hours must be conducted through face-to-face instruction,] of course work or training on the social patterns of harassment, bullying and discrimination, as defined in section 11 of the Education Law, including but not limited to those acts based on person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings[, except that the six clock hours of coursework or training may be provided entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis].

5. Clause (c) of subparagraph (iv) of paragraph (1) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(c) Programs shall ensure that candidates complete six clock hours[, of which at least three hours must be conducted through face-to-face instruction,] of coursework or training on the social patterns of harassment, bullying and discrimination[, a], in accordance with the requirements of section 14 of the Education Law[, except that the six clock hours of coursework or training may be provided entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis].

6. Clause (m) of subparagraph (v) of paragraph (7) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(m) ensure that candidates complete six clock hours[, of which at least three hours must be conducted through face-to-face instruction,] of coursework or training on the social patterns of harassment, bullying and discrimination, in accordance with the requirements of section 14 of the Education Law[, except that the six clock hours of coursework or training may be provided entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis];

7. Subdivision (a) of section 57-4.5 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(a) A provider, at a minimum, shall offer the syllabus prepared by the department[and demonstrate that at least three of the six clock hours shall be conducted through face-to-face instruction, except that the six clock hours of coursework or training may be provided entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis. However], *however*, nothing in this section shall preclude providers from offering additional coursework or training which exceeds, or expands upon, the six hour syllabus prescribed by the department.

8. Section 80-1.13 of the Regulations of the Commissioner of Education shall be amended to read as follows:

All candidates for a certificate or license valid for an administrative or supervisory service, classroom teaching service or school service who apply for a certificate or license on or after December 31, 2013, shall have completed at least six clock hours[, of which at least three hours must be conducted through face-to-face instruction,] of course work or training in harassment, bullying and discrimination prevention and intervention, as required by section 14 the Education Law, which is provided by a registered program leading to certification pursuant to section 52.21 of this Title or other approved provider pursuant to Subpart 57-4 of this Title[, except that candidates may complete the minimum six clock hours of course work or training entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis].

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

Data, views or arguments may be submitted to: Petra Maxwell, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 474-2238, email: OHEREGComments@nysed.gov

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:

Education Law § 14 authorizes the Commissioner to prescribe regulations regarding the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

Education Law § 4101 (not subdivided) charges the Department with the general management and supervision of all public schools and all of the educational work of the state.

Education Law § 207 (not subdivided) grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law § 208 grants general rule-making authority to the Regents to award and confer certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

Education Law § 305 authorizes the Commissioner to enforce the educational policies of this State and execute all educational policies determined by the Regents and shall prescribe the licensing of teachers employed in this State.

Education Law § 308 authorizes the Commissioner to enforce any rule or direction of the Regents.

Education Law § 3001 establishes the qualifications of teachers in the classroom.

Education Law § 3004 authorizes the Commissioner to promulgate regulations governing the certification requirements for teachers employed in public schools.

Education Law § 3009 prohibits school districts from paying the salary of an unqualified teacher.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment to sections 52.21, 57-4.5, and 80-1.13 of the Regulations of the Commissioner of Education are consistent with the above statutory authority and is necessary to permit the Dignity for All Students Act (DASA) training to be provided entirely online.

3. NEEDS AND BENEFITS:

Education Law § 14, also known as the Dignity for All Students Act (DASA), requires prospective school professionals who apply for a certificate or license to complete training on the social patterns of harassment, bullying (including cyberbullying), and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

For certification, candidates can complete the DASA training as part of a New York State registered educator preparation program or through a workshop offered by a provider approved by the Department. At its February 2021 meeting, the Board of Regents voted to permit the six-clock-hour DASA training to be conducted entirely online, and no longer include at least three clock hours through face-to-face instruction, during the time period of the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

At the time of the June 2021 Board of Regents meeting, it was unclear exactly how long the executive order declaring the State of emergency would remain in effect. Therefore, to provide some certainty in this regard, the Board of Regents took emergency action to adopt revised proposed amendments to the Commissioner's regulations to continue permitting the six-clock-hour DASA training to be conducted entirely online through December 31, 2021. As of June 25, 2021, the State of emergency was no longer in effect. These amendments were permanently adopted by the Board of Regents at their September 2021 meeting.

Educator preparation programs have expressed an interest in the DASA training being able to be conducted entirely online on a permanent basis, citing candidates' greater accessibility to the training. During the COVID-19 pandemic, educator preparation programs and other approved DASA training providers successfully offered the training entirely online. The technology available for offering training online has improved significantly since the DASA training requirement for certification went into effect on December 31, 2013, eliminating the need for at least three of the six clock hours for the training to be delivered face-to-face.

Given the new online technologies and successful offering of DASA training entirely online, the Department now proposes to remove the DASA training requirement that at least three hours must be conducted through face-to-face instruction. Removing this requirement will provide candidates and approved DASA training providers with more flexibility to

complete and offer the training, respectively. The DASA training would continue to be 6 clock hours.

4. COSTS:

a. Costs to State government: The amendments do not impose any costs on State government, including the State Education Department.

b. Costs to local government: The amendments do not impose any costs on local government.

c. Costs to private regulated parties: The amendments do not impose any costs on private regulated parties.

d. Costs to regulating agencies for implementation and continued administration: See above.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendments do not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The proposed amendments do not impose any additional paperwork requirements.

7. DUPLICATION:

The proposed amendments do not duplicate existing State or Federal requirements.

8. ALTERNATIVES:

Because the proposed amendment is necessary to permit the Dignity for All Students Act (DASA) training to be provided entirely online, no alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its February 2022 meeting. If adopted at the February meeting, the proposed amendment will become effective on March 2, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendment by its effective date.

Regulatory Flexibility Analysis

The proposed amendment applies to all higher education institutions including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

The purpose of the proposed amendment to sections 52.21, 57-4.5, and 80-1.13 of the Regulations of the Commissioner of Education is to permit the Dignity for All Students Act (DASA) training to be provided entirely online. The amendment does not impose any new recordkeeping or other compliance requirements and will not have an adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed technical amendment that it will not affect small businesses or local governments, no further steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed amendment applies to all higher education institutions including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

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

The Commissioner of Education proposes to amend sections 52.21, 57-4.5, and 80-1.13 of the Regulations of the Commissioner of Education relating to permitting the Dignity for All Students Act (DASA) training to be provided entirely online.

Education Law § 14, also known as the Dignity for All Students Act (DASA), requires prospective school professionals who apply for a certificate or license to complete training on the social patterns of harassment, bullying (including cyberbullying), and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

For certification, candidates can complete the DASA training as part of a New York State registered educator preparation program or through a workshop offered by a provider approved by the Department. At its February 2021 meeting, the Board of Regents voted to permit the six-clock-hour DASA training to be conducted entirely online, and no longer include at least three clock hours through face-to-face instruction, during the time period of the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis.

At the time of the June 2021 Board of Regents meeting, it was unclear exactly how long the executive order declaring the State of emergency would remain in effect. Therefore, to provide some certainty in this regard, the Board of Regents took emergency action to adopt revised proposed amendments to the Commissioner's regulations to continue permitting the six-clock-hour DASA training to be conducted entirely online through December 31, 2021. As of June 25, 2021, the State of emergency was no longer in effect. These amendments were permanently adopted by the Board of Regents at their September 2021 meeting.

Educator preparation programs have expressed an interest in the DASA training being able to be conducted entirely online on a permanent basis, citing candidates' greater accessibility to the training. During the COVID-19 pandemic, educator preparation programs and other approved DASA training providers successfully offered the training entirely online. The technology available for offering training online has improved significantly since the DASA training requirement for certification went into effect on December 31, 2013, eliminating the need for at least three of the six clock hours for the training to be delivered face-to-face.

Given the new online technologies and successful offering of DASA training entirely online, the Department now proposes to remove the DASA training requirement that at least three hours must be conducted through face-to-face instruction. Removing this requirement will provide candidates and approved DASA training providers with more flexibility to complete and offer the training, respectively. The DASA training would continue to be 6 clock hours.

3. COSTS:

The proposed amendment does not impose any costs on institutional candidates and/or the New York State school districts or the BOCES.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment will permit the Dignity for All Students Act (DASA) training to be provided entirely online. No alternatives were considered for those institutions located in rural areas of the State.

5. RURAL AREA PARTICIPATION:

Copies of the proposed amendments have been provided to the New York Association of Colleges for Teacher Education for review and comment.

Job Impact Statement

The purpose of the proposed amendment to sections 52.21, 57-4.5, and 80-1.13 of the Regulations of the Commissioner of Education is to permit the Dignity for All Students Act (DASA) training to be provided entirely online. Because it is evident from the nature of the proposed amendment that it will have no impact on the existing number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Definition of the Term "University"

I.D. No. EDU-08-21-00002-RP

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

Proposed Action: Amendment of section 50.1(l) of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 201, 205, 207, 224, 250, 211, 305 and 6506

Subject: Definition of the Term "University."

Purpose: To clarify and broaden the definition of the term "university."

Text of revised rule: Paragraph (l) of section 50.1 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(l) University means a higher educational institution offering a range of registered undergraduate and graduate curricula in the liberal arts and sciences, [degrees in two or more professional fields, and doctoral programs] including graduate programs registered in at least three [academic fields] of the following discipline areas: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences, and social sciences.

Revised rule compared with proposed rule: Substantial revisions were made in section 50.1(l).

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

Data, views or arguments may be submitted to: Petra Maxwell, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 474-2238, email: OHEREGComments@nysed.gov

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

Revised Regulatory Impact Statement

Since publication of a Notice of Proposed Rule Making in the State Register on February 24, 2021, substantive revisions were made to the proposed rule. The Department revised the amendments made to section 50.1(l) of the Commissioner's regulations to require that institutions that use "university" in their names have a range of registered undergraduate and graduate programs in the liberal arts and sciences including graduate programs in at least 3 of the 10 discipline areas used in the NYS Taxonomy of Academic Programs: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences and social sciences. This amended definition eliminates the requirement that such institutions have any doctoral programs.

1. STATUTORY AUTHORITY:

Education Law § 101 (not subdivided) charges the Department with the general management and supervision of all public schools and all of the educational work of the state.

Education Law § 201 grants the Regents general authority over the corporation, including the name, of the University of the State of New York.

Education Law § 205 grants authority to the Commissioner to enforce all general and special laws relating to the educational system of the state and execute all educational policies determined by the Board of Regents.

Education Law § 207 (not subdivided) grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law § 211 gives the Regents the authority to periodically review and evaluate State learning standards.

Education Law § 215 authorizes the Regents and/or the Commissioner to visit, examine and inspect any institution in the university and any school or institution under the educational supervision of the state.

Education Law § 224 Education Law grants the Regents the authority to confer by special charter to a university, college or other degree granting institution the ability to confer any degree or use, advertise or transact business under the name university or college.

Education Law § 250 authorizes the Regents to prepare, publish and distribute, the colonial history, natural history and all other state publications not otherwise assigned by law.

Education Law § 305 authorizes the Commissioner to enforce the educational policies of this State and execute all educational policies determined by the Regents and shall prescribe the licensing of teachers employed in this State.

Education Law § 6506 authorizes the Regents to supervise the admission to and the practice of the professions.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and the purpose of the proposed amendment to section 50.1(l) of the Commissioner's regulations relating to the definition of the term "university" is to address the concerns presented by the New York State college community. Over the last few years, several New York State colleges, have requested that the Board of Regents consider revising the definition of "university" in New York State. Suggestions have ranged from broadening and clarifying which doctoral programs meet the current definition of "doctoral programs in at least three academic fields," to eliminating the requirement for any doctoral programs, to revising the definition to state that any institution that offers at least one master's degree program can use "university" in its name, etc. Colleges have raised several issues to support their request for a regulatory revision, including confusion caused by the word "college" when recruiting international students, and the fact that other states have broader definitions of "university" and, in some cases, draw no distinction between "colleges" and "universities."

3. NEEDS AND BENEFITS:

At the November 2020 meeting of the Board of Regents, members of the Board expressed interest in considering a revision to the regulatory definition of "university" to address the issues raised by some colleges while, at the same time, maintaining the Board's high standards for institutions of higher education. Members also expressed interest in receiving input on this matter from New York State institutions of higher education. The Department has received letters from several institutions that outline their continued interest in revising the current definition. Those letters are available upon request from the Secretary to the Board of Regents.

In developing its recommendation on this matter, the Department balanced the interests of institutions of higher education with the Regents' interest in maintaining high standards and ensuring breadth and depth of academic offerings by institutions that use the word "university" in their names.

The Department recommends that the definition of "university" be amended to read as follows:

"University means a higher educational institution offering a range of

registered undergraduate and graduate curricula in the liberal arts and sciences, including graduate programs registered in at least three of the following discipline areas: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences and social sciences.”

To assure depth and breadth of academic offerings by a “university” in New York State, this proposed definition maintains the requirement for a range of undergraduate and graduate programs in the liberal arts and sciences in at least three of the 10 discipline areas used in the NYS Taxonomy of Academic Programs: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences, and social sciences. Consistent with the intent to broaden the definition, this proposal also eliminates the requirement for doctoral programs and “degrees in two or more professional fields.”

This proposed definition provides an opportunity for those institutions that offer a range of academic programs at the undergraduate and graduate level to petition the Board of Regents to amend their charters to use the word “university” in their names. It also ensures breadth and depth of academic offerings by requiring institutions that identify as universities to offer a range of registered undergraduate and graduate programs in the liberal arts and sciences, including graduate programs in at least 3 of the 10 NYS Taxonomy of Academic Programs discipline areas identified above. It will allow those New York chartered institutions that qualify, and secure subsequent charter amendments to more effectively compete and market their programs within the state, nationally and globally.

4. COSTS:

a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department.

b. Costs to local government: The amendment does not impose any costs on local government.

c. Costs to private regulated parties: The amendment does not impose any costs on private regulated parties.

d. Costs to regulating agency for implementation and continued administration: See above.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

The proposed amendment does not duplicate existing State or Federal requirements.

8. ALTERNATIVES:

Because the State believes that the amendment is necessary to bring existing regulations into alignment with current public opinion and policy, no alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its January 2021 meeting. If adopted at the January 2021 meeting, the proposed amendment will become effective on January 26, 2021.

Revised Regulatory Flexibility Analysis

The proposed amendment applies to all higher education institutions including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

The purpose of the proposed amendment to section 50.1(l) of the Commissioner’s regulations relating to the definition of the term “university” is to address the concerns presented by the New York State college community. Over the last few years, several New York State colleges, have requested that the Board of Regents consider revising the definition of “university” in New York State. Suggestions have ranged from broadening and clarifying which doctoral programs meet the current definition of “doctoral programs in at least three academic fields,” to eliminating the requirement for any doctoral programs, to revising the definition to state that any institution that offers at least one master’s degree program can use “university” it its name, etc. Colleges have raised several issues to support their request for a regulatory revision, including confusion caused by the word “college” when recruiting international students, and the fact that other states have broader definitions of “university” and, in some cases, draw no distinction between “colleges” and “universities.”

At the November 2020 meeting of the Board of Regents, members of the Board expressed interest in considering a revision to the regulatory definition of “university” to address the issues raised by some colleges while, at the same time, maintaining the Board’s high standards for institutions of higher education. Members also expressed interest in receiving input on this matter from New York State institutions of higher education.

The Department has received letters from several institutions that outline their continued interest in revising the current definition. Those letters are available upon request from the Secretary to the Board of Regents.

In developing its recommendation on this matter, the Department balanced the interests of institutions of higher education with the Regents’ interest in maintaining high standards and ensuring breadth and depth of academic offerings by institutions that use the word “university” in their names.

The Department recommends that the definition of “university” be amended to read as follows:

“University means a higher educational institution offering a range of registered undergraduate and graduate curricula in the liberal arts and sciences, including graduate programs registered in at least three of the following discipline areas: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences and social sciences.”

To assure depth and breadth of academic offerings by a “university” in New York State, this proposed definition maintains the requirement for a range of undergraduate and graduate programs in the liberal arts and sciences in at least three of the 10 discipline areas used in the NYS Taxonomy of Academic Programs: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences, and social sciences. Consistent with the intent to broaden the definition, this proposal also eliminates the requirement for doctoral programs and “degrees in two or more professional fields.”

This proposed definition provides an opportunity for those institutions that offer a range of academic programs at the undergraduate and graduate level to petition the Board of Regents to amend their charters to use the word “university” in their names. It also ensures breadth and depth of academic offerings by requiring institutions that identify as universities to offer a range of registered undergraduate and graduate programs in the liberal arts and sciences, including graduate programs in at least 3 of the 10 NYS Taxonomy of Academic Programs discipline areas identified above. It will allow those New York chartered institutions that qualify, and secure subsequent charter amendments to more effectively compete and market their programs within the state, nationally and globally.

The amendment does not impose any new recordkeeping or other compliance requirements and will not have an adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed technical amendment that it will not affect small businesses or local governments, no further steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

Revised Rural Area Flexibility Analysis

Since publication of a Notice of Proposed Rule Making in the State Register on February 24, 2021, substantive revisions were made to the proposed rule. The Department revised the amendments made to section 50.1(l) of the Commissioner’s regulations to require that institutions that use “university” in their names have a range of registered undergraduate and graduate programs in the liberal arts and sciences including graduate programs in at least 3 of the 10 discipline areas used in the NYS Taxonomy of Academic Programs: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences and social sciences. This amended definition eliminates the requirement that such institutions have any doctoral programs.

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed amendment applies to all higher education institutions including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

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

The purpose of the proposed amendment to section 50.1(l) of the Commissioner’s regulations relating to the definition of the term “university” is to address the concerns presented by the New York State college community. Over the last few years, several New York State colleges, have requested that the Board of Regents consider revising the definition of “university” in New York State. Suggestions have ranged from broadening and clarifying which doctoral programs meet the current definition of “doctoral programs in at least three academic fields,” to eliminating the requirement for any doctoral programs, to revising the definition to state that any institution that offers at least one master’s degree program can use “university” it its name, etc. Colleges have raised several issues to support their request for a regulatory revision, including confusion caused by the word “college” when recruiting international students, and the fact that other states have broader definitions of “university” and, in some cases, draw no distinction between “colleges” and “universities.”

At the November 2020 meeting of the Board of Regents, members of the Board expressed interest in considering a revision to the regulatory definition of “university” to address the issues raised by some colleges

while, at the same time, maintaining the Board's high standards for institutions of higher education. Members also expressed interest in receiving input on this matter from New York State institutions of higher education. The Department has received letters from several institutions that outline their continued interest in revising the current definition. Those letters are available upon request from the Secretary to the Board of Regents.

In developing its recommendation on this matter, the Department balanced the interests of institutions of higher education with the Regents' interest in maintaining high standards and ensuring breadth and depth of academic offerings by institutions that use the word "university" in their names.

The Department recommends that the definition of "university" be amended to read as follows:

"University means a higher educational institution offering a range of registered undergraduate and graduate curricula in the liberal arts and sciences, including graduate programs registered in at least three of the following discipline areas: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences and social sciences."

To assure depth and breadth of academic offerings by a "university" in New York State, this proposed definition maintains the requirement for a range of undergraduate and graduate programs in the liberal arts and sciences in at least three of the 10 discipline areas used in the NYS Taxonomy of Academic Programs: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences, and social sciences. Consistent with the intent to broaden the definition, this proposal also eliminates the requirement for doctoral programs and "degrees in two or more professional fields."

This proposed definition provides an opportunity for those institutions that offer a range of academic programs at the undergraduate and graduate level to petition the Board of Regents to amend their charters to use the word "university" in their names. It also ensures breadth and depth of academic offerings by requiring institutions that identify as universities to offer a range of registered undergraduate and graduate programs in the liberal arts and sciences, including graduate programs in at least 3 of the 10 NYS Taxonomy of Academic Programs discipline areas identified above. It will allow those New York chartered institutions that qualify, and secure subsequent charter amendments to more effectively compete and market their programs within the state, nationally and globally.

3. COSTS:

The proposed amendments do not impose any costs on institutional candidates and/or the New York State school districts or the BOCES.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendments are proposed to correct and clarify language, thereby aligning the regulation with its intent. Therefore, no alternatives were considered for those institutions located in rural areas of the State.

5. RURAL AREA PARTICIPATION:

Copies of the proposed amendments have been provided to the State University of New York and the Commission on Independent Colleges and Universities in New York for review and comment.

Revised Job Impact Statement

The purpose of the proposed amendment to section 50.1(l) of the Commissioner's regulations relating to the definition of the term "university" is to address the concerns presented by the New York State college community. Over the last few years, several New York State colleges, have requested that the Board of Regents consider revising the definition of "university" in New York State. Suggestions have ranged from broadening and clarifying which doctoral programs meet the current definition of "doctoral programs in at least three academic fields," to eliminating the requirement for any doctoral programs, to revising the definition to state that any institution that offers at least one master's degree program can use "university" in its name, etc. Colleges have raised several issues to support their request for a regulatory revision, including confusion caused by the word "college" when recruiting international students, and the fact that other states have broader definitions of "university" and, in some cases, draw no distinction between "colleges" and "universities."

At the November 2020 meeting of the Board of Regents, members of the Board expressed interest in considering a revision to the regulatory definition of "university" to address the issues raised by some colleges while, at the same time, maintaining the Board's high standards for institutions of higher education. Members also expressed interest in receiving input on this matter from New York State institutions of higher education. The Department has received letters from several institutions that outline their continued interest in revising the current definition. Those letters are available upon request from the Secretary to the Board of Regents.

In developing its recommendation on this matter, the Department balanced the interests of institutions of higher education with the Regents' interest in maintaining high standards and ensuring breadth and depth of academic offerings by institutions that use the word "university" in their names.

The Department recommends that the definition of "university" be amended to read as follows:

"University means a higher educational institution offering a range of registered undergraduate and graduate curricula in the liberal arts and sciences, including graduate programs registered in at least three of the following discipline areas: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences and social sciences."

To assure depth and breadth of academic offerings by a "university" in New York State, this proposed definition maintains the requirement for a range of undergraduate and graduate programs in the liberal arts and sciences in at least three of the 10 discipline areas used in the NYS Taxonomy of Academic Programs: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences, and social sciences. Consistent with the intent to broaden the definition, this proposal also eliminates the requirement for doctoral programs and "degrees in two or more professional fields."

This proposed definition provides an opportunity for those institutions that offer a range of academic programs at the undergraduate and graduate level to petition the Board of Regents to amend their charters to use the word "university" in their names. It also ensures breadth and depth of academic offerings by requiring institutions that identify as universities to offer a range of registered undergraduate and graduate programs in the liberal arts and sciences, including graduate programs in at least 3 of the 10 NYS Taxonomy of Academic Programs discipline areas identified above. It will allow those New York chartered institutions that qualify, and secure subsequent charter amendments to more effectively compete and market their programs within the state, nationally and globally.

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

Assessment of Public Comment

Since publication of the Notice of Proposed Rule Making in the State Register on February 24, 2021, the State Education Department (Department) received the following comments on the proposed amendments. Below is an assessment of the public comments received.

1. COMMENT: One Commenter strongly suggested that the Board of Regents consider master's level programming as the baseline qualification for university status in New York State.

DEPARTMENT RESPONSE: The Department agrees with this comment and has revised its proposed amended definition of "university" to require registered graduate programs in at least three of the stated discipline areas, which may or may not include doctoral programs. Therefore, no additional revisions to the proposed amendment are necessary.

2. COMMENT: Numerous commenters, signing an identical form letter, supported the Department's proposed amendment, but suggested that, "in order for independent institutions of higher education to survive, continue to serve successful students, and provide critical jobs in our communities and across NYS" greater flexibility in the use of the term "university" is needed. Commenters suggest that the definition proposed by the Department be modified to permit an eligible institution that offers a range of registered undergraduate and graduate curricula in the liberal arts and sciences and doctoral programs registered in at least two (versus three) of the following discipline areas: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences, and social sciences, be permitted to use the term "University".

DEPARTMENT RESPONSE: The Department believes that the definition of "university" should include graduate level programs in at least three of the stated disciplinary areas, however, the Department has revised its proposed amended to remove the requirement for doctoral programs. No further revisions to the proposed amendment are necessary.

3. COMMENT: One Commenter, writing on behalf of many constituent organizations, stated its support of the Department's proposal to amend the definition of "university" but stated that the proposal "does not go far enough to clarify and broaden the term in a way that would align New York with other states and nations." Commenter stated further that an institution's inability to use "university" is a competitive disadvantage when recruiting nationally and internationally and recruiting online. Commenter also opined that master's-level programs bring academic benefits to all degree levels at an institution since master's programs require a higher level of commitment to research for faculty and for students. Although the Department's proposed revision would allow all doctoral programs to be considered, Commenter argues that the definition remains overly restrictive since it requires that an institution offer at least three doctorates in three different discipline areas. Requiring a specific number of doctoral programs and requiring that those doctorates be offered in three different disciplines is arbitrary and counter to the use of "university" in all other states and nations. The Commenter proposes two possible

alternatives to the Department's suggested definition. (1) that a university offer graduate curricula in 3 different discipline areas, offering 2 doctoral degrees; or (2) that an institution simply offer a graduate curricula.

DEPARTMENT RESPONSE: The Department has revised its proposed amended definition of "university" to require registered graduate programs in at least three of the stated discipline areas, which may or may not include doctoral programs. The Department does not agree with the suggested definition to require only one graduate program, as requiring only one graduate program does not sufficiently assure the desired breadth and depth of academic program offerings at both the undergraduate and graduate levels.

4. **COMMENT:** Several Commenters voiced their opposition to the Department's proposed amendment stating that while the proposed definition would be an improvement, it would still limit most of the institutions in New York wishing to adopt the designation of University. Commenter, instead, proposed the following alternative definition:

"University means a higher educational institution offering a range of registered undergraduate and graduate curricula in the liberal arts and sciences including graduate programs registered in at least three of the following discipline areas: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences, and social sciences; and at least two registered doctoral programs encompassing one or more such discipline area."

DEPARTMENT RESPONSE: The Department has revised its proposed amended definition of "university" to require registered graduate programs in at least three of the stated discipline areas, which may or may not include doctoral programs. Therefore, no additional revisions to the proposed amendment are necessary.

5. **COMMENT:** Several Commenters supported the Department's proposed amendment. However, according to one Commenter, its requirement that an institution offer three doctoral programs unfairly excludes those institutions offering both masters level and/or two doctoral programs. Commenter stated that it's institutions currently offers two doctoral programs but is still a way off from developing and receiving approval for a third program. This impacts Commenter's ability to immediately compete and reflect the breadth and depth of the programs it offers. Commenter urges the Department to consider further revising the regulation to allow institutions to use university status as long as they have at least three master's level programs in agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences and social sciences and at least two doctoral programs in any area. This change would immediately put New York state institutions on equal footing with universities across the nation and with SUNY and CUNY institutions across New York State who already have the freedom to designate as universities and would help Commenter more easily recruit and enroll international students.

DEPARTMENT RESPONSE: The Department has revised its proposed amended definition of "university" to require registered graduate programs in at least three of the stated discipline areas, which may or may not include doctoral programs. Therefore, no additional revisions to the proposed amendment are necessary.

6. **COMMENT:** Two Commenters offered their support for the Department's proposed amendment but suggested the following alternative definition:

"University means a higher educational institution offering a range of registered undergraduate and graduate curricula in the liberal arts and sciences including graduate programs registered in at least three of the following discipline areas: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences, and social sciences; and at least two registered doctoral programs encompassing one or more such discipline area."

DEPARTMENT RESPONSE: The Department has revised its proposed amended definition of "university" to require registered graduate programs in at least three of the stated discipline areas, which may or may not include doctoral programs. Therefore, no additional revisions to the proposed amendment are necessary.

7. **COMMENT:** One Commenter supports the effort of the Department to address the restrictive language of the definition. However, Commenter suggested that the Board of Regents and the State Education Department should amend the restrictive definition of "university" by eliminating the need for doctoral programs in three academic fields. Commenter stated that New York should adopt a more permissive definition, like a Massachusetts definition adopted in 2010, that states that a "university" "...must provide graduate programs in four or more distinct professional fields of study."

DEPARTMENT RESPONSE: The Department has revised its proposed amended definition of "university" to require registered graduate programs in at least three of the stated discipline areas, which may or may not include doctoral programs. Therefore, no additional revisions to the proposed amendment are necessary.

8. **COMMENT:** Several Commenters stated that they support the Department's proposed definition but suggest a more expanded definition:

"University means a higher educational institution offering a range of registered undergraduate and graduate curricula in the liberal arts and sciences including graduate programs registered in at least three of the following discipline areas: agriculture, biological sciences, business, education, engineering, fine arts, health professions, humanities, physical sciences, and social sciences; and at least two registered doctoral programs encompassing one or more such discipline areas."

DEPARTMENT RESPONSE: The Department has revised its proposed amended definition of "university" to require registered graduate programs in at least three of the stated discipline areas, which may or may not include doctoral programs. Therefore, no additional revisions to the proposed amendment are necessary.

9. **COMMENT:** Commenter requested that the Department and Board of Regents recognize the Carnegie Classification System for institutions, which is recognized nationally. Within this system, Baccalaureate Colleges are defined as institutions where fewer than 50 master's degrees or 20 doctoral degrees are awarded during the previous year. Once a College begins to award a significant number of master's degrees (i.e., more than 50 per year), it would be considered to fall within the next level, that of Masters' Colleges and Universities.

DEPARTMENT RESPONSE: The Department does not agree with this suggested alternative. Under the Carnegie Classification System an institution could award all necessary master's or doctoral degrees in one discipline which would not ensure the desired breadth and depth of academic programs. Therefore, no additional revisions to the proposed amendment are necessary.

10. **COMMENT:** One Comment offered its full support of the Department's proposal with one modification. Commenter suggests that the Department consider adding language as follows:

"University" means an institution that offers a wide breadth of graduate-level degrees, and at least one doctoral degree, which would show the depth of the institution's academic expertise at the doctoral level.

DEPARTMENT RESPONSE: The Department has revised its proposed amended definition of "university" to require registered graduate programs in at least three of the stated discipline areas, which may or may not include doctoral programs. Therefore, no additional revisions to the proposed amendment are necessary.

11. **COMMENT:** Several Commenters suggested the following alternative definition of "university":

"University" means a higher educational institution offering a range of registered undergraduate programs and at least one graduate degree.

DEPARTMENT RESPONSE: The Department has revised its proposed amended definition of "university" to more broadly reference programs at the graduate level, and proposes requiring registered graduate programs in at least three of the stated discipline areas, which may or may not include doctoral programs. The Department does not agree with the suggested definition to require only one graduate program, as requiring only one graduate program does not sufficiently assure the desired breadth and depth of academic program offerings at both the undergraduate and graduate levels.

Department of Environmental Conservation

NOTICE OF ADOPTION

Public Use of Wildlife Management Areas

I.D. No. ENV-12-21-00004-A

Filing No. 1088

Filing Date: 2021-10-18

Effective Date: 2022-01-01

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

Action taken: Repeal of Parts 51, 61, 75, 84; addition of new Part 51 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 9-0105 and 11-2101

Subject: Public use of Wildlife Management Areas.

Purpose: Update regulation and prevent conflicts with primary goals of WMAs; wildlife and wildlife-dependent recreation.

Text of final rule: Parts 51, 61, 75 and 84 are repealed. A new Part 51 is added as follows:

§ 51.0 Applicability and Definitions

(a) Except as otherwise provided, the provisions of this Part shall apply to all persons entering upon or using State lands under the Department's jurisdiction that are administered by the Division of Fish and Wildlife, including but not limited to wildlife management areas, fish and wildlife management areas, and the following unique areas and multiple use areas: Bog Brook Unique Area, Seward's Island Unique Area, Junius Ponds Unique Area, Harwood Lake Multiple Use Area, and Carlton Hill Multiple Use Area. Additional area-specific regulations may also apply and will supersede the general regulations found in this Part in case of conflict.

(b) Definitions.

1. Bicycle shall mean a non-motorized vehicle with two or more wheels, a steering handle, a seat, or seats and is propelled solely by muscle power and/or gravity.

2. Camping shall mean using any form of temporary shelter, including but not limited to a tent, motor home, travel trailer, mobile home, or any vehicle used for overnight shelter or sleeping.

3. Department means the New York State Department of Environmental Conservation.

4. Motorized vehicle shall mean a device for transporting persons, supplies or material incorporating a motor or an engine of any type for propulsion, and with wheels, tracks, skids, skis, air cushion or other contrivance for traveling on or adjacent to land, water or ice. It shall include such vehicles as automobiles, trucks, jeeps, off-road vehicles, all-terrain vehicles, utility vehicles, golf carts, motorcycles, electric powered bicycles (e-bikes), snowmobiles, snowcats, bulldozers and other earth-moving equipment.

5. Motorized equipment shall mean machines not designed for transporting people, supplies or material, or for earth moving but incorporating a motor, engine or other nonliving power source to accomplish a task, such as, but not limited to, chain saws, brush saws, rotary or other mowers, rock drills, cement mixers, and generators.

6. Off-road shall mean on a trail, road or terrain other than a public road or parking area.

7. Regional Manager shall mean the Regional Wildlife Manager.

8. Written Permission shall mean a written permit (including but not limited to a Temporary Revocable Permit for Use of State Lands, abbreviated as TRP) issued at the sole discretion of the Department and signed by the Regional Manager authorizing temporary public use of applicable lands pursuant to the conditions cited in the document. Permits will only be issued for activities in compliance with all constitutional, statutory, and regulatory requirements.

9. Watercraft includes every motorized or non-motorized boat or vehicle capable of being used or operated as a means of transportation or recreation in or on water.

§ 51.1 Hunting, trapping and fishing

Hunting, trapping and fishing are permitted on wildlife management areas and other lands subject to Subchapter A of this Part, except as specifically restricted by posted notice.

§ 51.2 Boating

(a) No person shall operate a watercraft under mechanical power other than electric motor, except as specifically permitted by posted notice or under written permit by the Department.

(b) No person shall moor, anchor or store a boat overnight.

(c) No person shall transport or cause to be transported any aquatic invasive species.

1. No person shall launch, or attempt to launch a watercraft into any waterbody, or depart from a waterbody with any plant or animal, or parts thereof, visible to the human eye, in, on, or attached to any part of the watercraft, including live wells and bilges, the motor, rudder, anchor, or other appurtenances; any equipment or gear; or the trailer or any other device used to transport or launch a watercraft that may come into contact with the water, except under the written permission of the Regional Manager.

2. No person shall launch, or attempt to launch a watercraft into any waterbody, or depart from such waterbody without draining the watercraft, including bilge areas, live wells, bait wells, and ballast tanks, except under the written permission of the Regional Manager.

3. Exceptions. The provisions of Part 51.2 shall not apply to:

i. Plants not otherwise defined in law or regulation as invasive species or suspected of being or becoming invasive affixed to or transported in watercraft for use as camouflage for hunting or wildlife viewing purposes.

ii. Bait, including baitfish, that can legally be used on a waterbody and is possessed consistent with Department regulations.

iii. Legally taken game as defined in section 11-0103(2) of Environmental Conservation Law or fish as defined in section 11-0103(1)(a).

§ 51.3 Camping

No person shall camp on lands subject to this Part except under the written permission of the Regional Manager.

§ 51.4 Roads, trails and parking areas

(a) No person shall operate a bicycle or motorized vehicle on roads posted by the Department against such uses.

(b) No person shall operate a motorcycle, motor scooter, moped, e-bike, snowmobile or any other motorized vehicle off-road except as specifically permitted by posted notice or as otherwise permitted in writing by the Regional Manager.

(c) No person shall operate a motorized vehicle on any road, trail or parking area maintained by the Department at a speed in excess of 25 miles per hour.

(d) Where required by posted notice, parking shall be confined to designated parking areas or spaces.

(e) No person shall operate a bicycle or ride, drive, or lead a horse on lands subject to this Part except:

1. on roads and parking areas, and those trails designated and posted by the Department as open to the activity;

2. on other areas posted or otherwise designated as open; or

3. with written permission of the Regional Manager.

(f) No person shall possess or operate a snowmobile except:

1. on routes designated and posted by the Department ; and

2. following the close of the regular big game hunting season until March 31 of the following year; and

3. when the route is covered with a minimum of three inches of snow and/or ice.

§ 51.5 Reserved

§ 51.6 Structures

(a) No person shall erect, construct, occupy or maintain a permanent structure, blind, stand or platform without the written permission of the Regional Manager.

(b) No person shall erect, construct, occupy or maintain any structure that is affixed to a tree by nails, screws, or other means that injure or damage the tree without the written permission of the Regional Manager.

§ 51.7 Dogs

Pursuant to Environmental Conservation Law sections 11-0529 and 11-0923, no owner or trainer of a dog shall allow that dog to enter lands subject to this Part without being leashed and under immediate physical control at all times except:

1. dogs may be allowed off-leash during open hunting seasons when legally used for hunting and accompanied by an appropriately licensed hunter and under the control of the hunter or handler;

2. when being legally trained for hunting in a designated dog training area or during designated training seasons as governed by Part 66 of this Chapter and accompanied by an appropriately licensed hunter;

3. when participating in a licensed field trial permitted in writing by the Regional Manager; or

4. with written permission of the Regional Manager.

§ 51.8 General provisions

(a) Fires

(1) No person shall ignite or maintain a fire except for cooking or warmth.

(2) No wood, except from dead and down trees, shall be used for fuel.

(3) No person shall ignite a fire until all flammable material surrounding it has been removed to the extent necessary to prevent its spread.

(4) No person shall leave a fire unattended.

(b) No person shall swim in waters subject to this Part.

(c) No person shall possess or operate any motorized equipment while afield without the written permission of the Department except for equipment commonly employed in hunting, trapping, or fishing when being used for these activities. These exceptions are limited to:

1. Drills or augers used for ice fishing.

2. Battery-powered drills used for setting traps.

3. Any motorized decoys legally permitted for hunting.

(d) No person shall deface, remove, cut or willfully damage, destroy or otherwise injure in any manner whatsoever any tree, flower, shrub, fern, moss, fungus or other plant organism, or other living or dead vegetation of any kind, found or growing on State lands, except for immediate personal consumption, or with the written permission of the Regional Manager.

(1) No person shall erect, construct, maintain, occupy or use any tree stand that is used, operated, accessed or reached by methods or means which injure or damage a tree, and no person shall gain access to any structure in a tree by means that injure or damage the tree.

(e) No person shall deface, remove, destroy or otherwise injure in any manner whatsoever any rock, soil, fossil or mineral except under written permit from the Department.

(f) No person shall deface, remove, or damage, destroy or otherwise injure in any manner whatsoever any object of archaeological or paleontological interest found on State land, except under written permit from the Department and the Commissioner of Education, pursuant to section 233 of the Education Law.

1. No person shall use or possess a metal detector afield, except under written permit from the Department. Licensed surveyors using a metal detector to locate survey markers shall not be prohibited.

(g) All personal property shall be removed from the area at the time of leaving the area. No person shall erect, construct, install, maintain, store, discard or abandon any structure or any other property or subsequently use such structure or property, except under the written permission of the Regional Manager. This subdivision shall not apply to:

1. a legally placed trap or appurtenance that is placed and used during the appropriate trapping season;

2. a tree stand or hunting blind that does not injure a tree, is properly marked or tagged with the owner's name and address or valid hunting license identification number and is placed and used for the duration of the big game season, migratory gamebird season or turkey season; or

3. a wildlife viewing blind that is placed for a duration not to exceed ten (10) days in one location per calendar year, does not injure a tree, and is properly marked with the owner's name and address or valid hunting or fishing license identification number.

(h) No person shall enter, remain upon, or use any access road, truck trail, road, trail, facility or any other area that is posted or designated by the Department as closed to public use, except under the written permission of the Regional Manager.

(i) No person shall discard or deposit any trash, waste or litter on lands or waters, except in waste receptacles provided for such purpose.

(j) No person shall use any lands for agricultural purposes, including but not limited to growing crops or grazing by domestic animals, except with the written permission of the Department.

(k) No person under 21 years of age shall possess alcoholic beverages, unless accompanied by a parent or guardian. All persons who possess alcoholic beverages must produce adequate identification and proof of age upon demand of any peace or police officer.

(l) No person shall fail to comply with the instructions contained on a sign of the Department.

(m) No person shall remove, deface, mutilate or destroy any Department sign, structure, barrier or object.

(n) No person shall:

1. intentionally obstruct, prevent or attempt to prevent any officers or employees of the Department from performing their legal duties, by means of intimidation, physical force, interference or disobedience of any lawful order or by means of any independently unlawful act;

2. engage in any activity which violates the Penal Law.

(o) No person shall discharge firearms unless legally engaged in the act of hunting or trapping.

1. Except that target shooting may occur in areas designated and posted by the Department as open to such use, and;

2. No person shall possess or use breakable targets, including but not limited to clay pigeons, and

3. No person shall target shoot at objects other than paper targets with a safe and sufficient earthen or other suitable backstop.

(p) No person shall possess paint balls or paint ball guns, and no person shall sponsor, conduct or participate in any activities associated with the discharging of paint balls.

(q) No person shall sponsor, conduct or participate in any organized event of more than twenty people without the written authorization of the Regional Manager. Examples of organized events include but are not limited to sponsored hikes; archery and fishing tournaments; dog trials or training events; bicycle, horse and orienteering races, runs, races, rides or competitions; encampments; re-enactments, weddings, funerals and other ceremonies.

(r) No person shall sponsor, conduct or participate in any research project except under written permit from the Department. Examples of research include, but are not limited to, population studies, collection of scientific samples, placement of scientific instruments, seismic exploration and archaeological studies. This subdivision shall not apply to observation-only population data collection such as, but not limited to, Audubon's Christmas Bird Count, the USGS Breeding Bird Survey and Cornell Lab of Ornithology's e-Bird database or other studies where animals or specimens are not caught or handled; nor shall it apply to any other research exempted by the Department in writing on a case by case basis.

(s) No person shall sponsor, conduct or participate in: advertising, weddings, funerals, commercial film making activities or film making activities that exclude other public use of the area, and other similar events, except under the written permission of the Regional Manager.

(t) No person shall conduct any business, buy, sell, offer or expose for sale, hire, lease, or vend any article or merchandise of any kind without a written permit from the Department. This subdivision shall not apply to recreational activities undertaken in connection with the services of a licensed outdoor guide, to landscape or wildlife photography (products not offered for sale on-site), or wildlife observation activities that do not otherwise violate any subdivisions in this Part.

§ 51.9 Severability

If a provision of this Part or its application to any person or circumstance is determined to be contrary to law by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this Part or the application to other persons and circumstances.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 51.4(a), (b), (e)(1), (f)(1), 51.8(a)(2), (c), (g)(2) and (o)(1).

Text of rule and any required statements and analyses may be obtained from: Marcelo J. del Puerto, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754, (518) 402-8907, email: marcelo.delpuerto@dec.ny.gov

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

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

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

Initial Review of Rule

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

Assessment of Public Comment

The Department received roughly ninety comments on the proposed regulations governing public use of the Wildlife Management Area (WMA) system. We reviewed their substance, relevance, and merit and provide a summary of the comment and response below.

Comment:

1) Riding horses on WMAs should not be restricted as the activity poses no adverse effects.

2) Riding bicycles should not be restricted. Class 1 electrical bicycles should be treated as bicycles and not included in the definition of motorized vehicles.

Response:

Since horseback riding and cycling present similar use issues and can have similar impacts, they are addressed together below.

The WMA system comprises some 250,000 acres; only 5% of total DEC lands and less than 1% of the total area of the state. This land is set aside for wildlife conservation and wildlife-dependent recreation (e.g. watching wildlife, hunting); these are the primary goals for the management of the WMA system. Other uses can be permitted if they do not interfere with these primary goals. Horseback riding and cycling are not by definition dependent on the presence of wildlife.

The Department must analyze the cumulative impact of proposed activities when considering impacts. Whereas the impact from a single or a few riders may be minimal; the repeated and frequent impact from several riders to wildlife, habitat, or activities such as hunting or birding may be significant, warranting restricting access to a trail or sections thereof.

It is important to note that the proposed regulation is not a ban on the use of horses or bicycles on WMAs; most WMA roads are and will remain open to both uses. The Department can designate other areas where these activities may be allowed if it determines they do not interfere with the primary goals.

The Department is currently developing Access and Public Use Plans for each WMA. These "APUPs" will provide specific detail on allowed public use and facilities open to the public such as roads, trails, and boat launches. The public will have an opportunity to comment during the comment period.

Regarding comments opposing the inclusion of certain "pedal-assisted" or Class 1 electrical bicycles (e-bikes) as motorized vehicles in Part 51.0, (b) Definitions, classifying all bicycles with an electric motor as electrical bicycles and under the definition of "motor vehicles" allows for more consistent and enforceable regulations of a rapidly-evolving class of vehicles. The pedal-assist electric motor allows electric bicycles to easily maintain 20 mph. Faster speeds can cause more erosion and increase other impacts on wildlife and other WMA visitors.

Bicycles, including e-bikes, can be used as an aid in trapping, hunting, or wildlife observation for persons with a disability. A hunter with a disability can apply for a non-ambulatory permit or for access to special Motorized Access Program for Persons With Disabilities routes. Commonly known as MAPPWD routes, they allow a person with a disability to travel on routes regularly closed to the public.

Comment:

Dogs should not be required to be on leashes. Dogs need to train and exercise year-round. Electrical collars or a test of obedience could substitute for leashes.

Response:

The WMA system is managed specifically to benefit wildlife and provide opportunities for wildlife-dependent recreation. Unleashed dogs can chase, frighten, or injure wildlife and can interfere with wildlife-dependent activities.

Some modes of hunting employ dogs in retrieving or finding game. Pursuant to ECL 11-0923 and promulgated in regulation 6 NYCRR Part 66, the Department has designated specific dates to allow hunters to train dogs off-leash on wild game. As ECL 11-0923 requires written landowner permission at all times for dog training with captive game or artificial devices, hunting dog trainers have the option to apply for a Temporary Revocable Permit to conduct dog training using domestic game or artificial devices on a WMA. Dogs are also allowed off-leash during open hunting seasons when being legally used for hunting and accompanied by an appropriately licensed hunter and under the control of the hunter or handler.

Dog walking, while not wildlife-dependent, can be compatible with the primary goals of WMAs provided dogs are leashed and kept under the owners' immediate control.

Electrical collars are not a suitable substitute for physical leashes because dogs that are otherwise well behaved can bolt after wildlife, defeating the collar. For the same reason, obedience training, by itself, is not a suitable leash substitute.

Some activities restricted on the WMA system may be more compatible in other state properties with wider management goals.

Comment:

1) Other than for hunting or trapping, the discharge of firearms (i.e. target shooting) should be prohibited anywhere on the WMA system, particularly at Tonawanda and Oriskany Flats WMAs.

2) Target shooting should be allowed on WMAs.

Response:

Unrestricted target shooting can be dangerous, injure wildlife, damage habitat, and lead to the accumulation of lead. Increased target shooting has caused significant problems at some locations, such as Tonawanda and Oriskany Flats WMAs. However, target shooting can prepare the public to become safe, effective, and humane hunters. The Department proposes to prohibit target shooting on WMAs except at Department-designated locations possibly including formal target shooting ranges. The Department may also develop and promulgate rules and times of operation for any such sanctioned locations or ranges.

Comment:

1) Three inches of snow or ice is insufficient to protect the ground from snowmobiles and snowmobiles could interfere with big game hunting.

2) Snowmobile trails should be allowed through WMAs and the public should be involved in their planning.

3) Snowmobiles should not be allowed anywhere within the WMA system.

Response:

Snowmobiles are used for transport and recreation and to facilitate hunting and trapping during the winter months. Snowmobile trail sections through WMAs are often short and connect longer routes. When travelling on sufficient snow and on trails designated as open by DEC, snowmobiles can have a negligible impact. The requirement for three inches of snow is consistent with requirements by New York State Office of Parks, Recreation, and Historic Preservation. The intent of this requirement is to ensure that there is a sufficient cushion of protective snow between the snowmobile and the ground. Defining a specific period for snowmobile operation further protects WMA trails and habitat, and helps prevent user conflicts. If snowmobile use is such that it removes this ice or snow cover then the activity is no longer permitted and subject to termination. In addition, Part 51.8(d) provides additional protection for vegetated trail surfaces and edges.

The overlap between when conditions allow the use of snowmobiles and late season dates is very limited, between December 13 and January 1 for the Southern Zone and during the late bowhunting season in limited areas of the Northern Zone, December 6 to December 12. Considering snow patterns in New York it is unlikely that there is suitable snow cover that coincides with either of these periods except occasionally in limited areas. Given that snowmobile use will require a minimum of three inches of ice or snow and the low number of routes through the WMA system, the Department concludes that the likelihood of conflicts between big game hunting and snowmobile use is very small.

These regulations provide sufficient measures to allow snowmobile use in a way that will not cause ecological harm or interfere with the primary goals of the WMA system.

Comment:

Electrical motors should not be allowed on watercraft.

Response:

Electric motors on watercraft are quiet, do not pose a risk of fuel spillage, and enable hunting, trapping, fishing, and the quiet observation of wildlife. Their impact is no greater than rowing or paddling.

Comment:

The regulation should specify if downed or green wood could be legally used as fuel and whether fires would be allowed during New York's no-burn window.

Response:

The Department recognizes the intent of Part 51.8(a) is to allow fires for cooking or warmth, requiring a source of fuel. The Department will add a paragraph to allow the use of dead wood as fuel, consistent with 6 NYCRR Part 190, Use of State Lands. The provisions and conditions for use of fire are year-round.

Comment:

Drones (aka Unmanned Aerial Vehicles (UAVs)) should be explicitly included in the definition of "motorized equipment" and their use prohibited within the WMA system.

Response:

Having a motor, UAVs fall within the definition of motorized equipment and are subject to the restrictions of other motorized equipment.

Comment:

Possession of some mechanized implements commonly used for hunting, trapping, or fishing should be allowed while afield.

Response:

The Department recognizes that some implements fitted with a motor are commonly used for wildlife-dependent activities and revises Part 51.8(C) to allow use of these commonly used implements for hunting, trapping, or fishing.

Comment:

1) Prohibit use of alcohol and marijuana (Cannabis spp.) in the WMA system.

2) "Legal" should be added before "Guardian" in the proposed 51.8 (K).

Response:

Use of both substances is legal in New York. NYS ECL § 11-1203 prohibits hunting while intoxicated by alcohol or any other drug. The New York State Penal Law (PEN § 240.20) prohibits disorderly conduct. Driving while intoxicated with alcohol or another drug is also prohibited by the Penal Law. These regulations enable law enforcement to address situations that could arise from someone being under the influence of either substance in the WMA system.

"Guardian" is used in NYS Alcoholic Beverage Control Law § 65-c and 6 NYCRR Part 190. The change is unnecessary and potentially confusing.

Comment:

The Department should open more hiking trails through the WMA system.

Response:

The Department designates trails through the WMA system to provide access for wildlife observation, hunting, and trapping; hikers are welcome to use these trails. The placement and location of trails are limited by their effect on ecology, wildlife, and wildlife-dependent recreation. The Department is developing Access and Public Use Plans for each of the WMAs that address the placement and allowed use of trails. The public can comment on draft plans during the public comment periods.

Comment:

1) Will hunters have exclusive use of season-long hunting tree stands they install?

2) Allow placement of hunting stands ten days before the start of the season.

3) Allow placement of stands for hunting water dogs.

Response:

No exclusive use of tree stands is implied by the proposal. When vacant, the tree stand could be occupied by another hunter actively hunting. The regulatory proposal allows placement of tree stands starting at the beginning of and left in place for the duration of the big game, migratory gamebird, or turkey season. These provisions allow for adequate time to install a tree stand so that it can be utilized for the duration of the season. These rules are consistent with 6 NY CRR Part 190.8 governing the use of State Forests.

Placement of stands for use by hunting dogs legally aiding a hunter is covered by section 51.8(g) and subject to the same conditions.

Comment:

The term "Regional Manager" in the regulations should be replaced with "Regional Wildlife Manager." Use of "the Department" in the regulations could lead to confusion.

Response:

The term "Regional Manager" has been used without causing misunderstanding in the existing regulations. Regional Manager includes the

regional Natural Resource Manager in addition to the Regional Wildlife Manager (RWM) in case the RWM's position is vacant.

The term "Department" is used to include staff in addition to the Regional Manager, including staff outside the DEC region such as for review of a multi-region Temporary Revocable Permits (TRP) by Central Office. Review of such TRPs is always coordinated with the regions. Naming only the RWM in the regulations would be unnecessarily restrictive.

Comment:

Prohibit the use of lead ammunition within the WMA system because of its harmful effects.

Response:

The Department has convened a multi-agency working group to fully understand the lead issue, evaluate alternatives, and ultimately recommend measures to reduce the accumulation of lead from ammunition in wildlife and game meat. See <https://www.dec.ny.gov/outdoor/48420.html> for more information.

Comment:

Prohibit hunting.

Response:

General opposition to hunting is out of the scope of the proposed regulations.

Department of Financial Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Compliance With Community Reinvestment Act Requirements

I.D. No. DFS-44-21-00015-P

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

Proposed Action: Amendment of Part 76 of Title 3 NYCRR.

Statutory authority: Banking Law, sections 9-d, 10, 14, 28-b; Financial Services Law, sections 102, 201, 202, 301, 302; Executive Law, section 296-a

Subject: Compliance With Community Reinvestment Act Requirements.

Purpose: To provide new rules concerning data collection on extension of credit to women-owned and minority-owned businesses.

Substance of proposed rule (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations/proposed_banking): The Department of Financial Services ("Department") provides this description of the subject, purpose, and substance of the proposed amendment in accordance with State Administrative Procedure Act § 202(1)(f)(v). The full text of the proposed amendment is available on the Department's website at: https://www.dfs.ny.gov/industry_guidance/regulations/proposed_banking

The proposed amendment to the implementing regulations of the New York State Community Reinvestment Act ("CRA"), New York Banking Law ("BL") § 28-b, would allow the Department to execute a newly imposed statutory obligation related to its CRA examination duties.

A recent amendment to BL § 28-b requires the Superintendent of Financial Services to evaluate covered institutions' performance according to a new criterion, specifically, the extent to which they offer and provide credit and technical assistance programs to minority- and women-owned businesses ("MWOBs"). See L.2019, c. 264, BL § 28-b(3)(a)(8)-(a)(9). Existing regulations provide for the collection and submission of data necessary for evaluation of covered institutions according to pre-amendment criteria, but the Department does not have an existing source of information with which to perform the newly required assessment of covered banking institutions' offering of credit to MWOBs. Therefore, the Department is proposing an amendment to 3 NYCRR Part 76, including a new Section 76.16, that would provide for the collection of necessary data and submission of that data to the Department by covered banking institutions.

Proposed new Section 76.16 constitutes the largest element of the proposed changes. The provisions of proposed Section 76.16 establish how covered banking institutions should solicit, collect, store, and report the information relating to their provision of credit to MWOBs, including, among other things, when requests for information should be made, the right of a credit applicant to refuse to offer information in response to such requests, that the information provided may not be used for any discriminatory purpose, that to the extent feasible, underwriters should not have

access to the information provided, the length of time the information gathered must be preserved by the covered institution, and alternative methods of compliance.

Other amendments include the addition of definitions for the terms, "minority," "minority-owned business," and "women-owned business," and the addition of references to minority- and women-owned businesses as appropriate throughout the text of 3 NYCRR Part 76.

Text of proposed rule and any required statements and analyses may be obtained from: Meredith Weill, Esq., Department of Financial Services, One State Street, 20th Floor, New York, NY 10004, (212) 480-5279, email: Meredith.Weill@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: Banking Law (or "BL") §§ 9-d, 10, 14, and 28-b; Financial Services Law (or "FSL") §§ 102, 201, 202, 301, and 302; and § 296-a of the Executive Law.

BL § 9-d authorizes the Superintendent of Financial Services ("Superintendent") to enforce § 296-a of the Executive Law.

BL § 10 sets forth a declaration of policy, including that banking institutions will be regulated in a manner to insure safe and sound conduct and maintain public confidence.

BL § 14 references, without limitation, the policy of BL § 10 and sets forth certain powers of the Superintendent under the Banking Law, including the power to "make, alter and amend orders, rules and regulations not inconsistent with law."

BL § 28-b, as amended by the Legislature in 2019 (Chapter 264, Laws of 2019), and effective as of January 11, 2020, specifies how the Superintendent obtains information from banking institutions concerning their compliance with the Community Reinvestment Act of 1977, United States Public Law 95-128 ("CRA"), what the Department examines when conducting CRA examinations, and how the Department of Financial Services (the "Department") should consider the performance of banking institutions under CRA criteria when they file notices and applications requiring the Department's approval. BL § 28-b directs the Superintendent to consider, among other things, "[e]vidence of prohibited discriminatory or other illegal credit practices," by a covered institution in evaluating the performance of that institution. The most recent statutory amendment to BL § 28-b adds the treatment of women-owned and minority-owned businesses to the criteria that the Superintendent must consider. The Superintendent is also authorized to promulgate regulations as necessary to enforce the provisions of BL § 28-b.

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 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 office of 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 that effectuate and interpret the provisions of the Financial Services Law, the Banking Law, and the Insurance Law, and "govern[] the procedures to be followed in the practice of the Department."

Executive Law § 296-a sets forth unlawful discriminatory practices that creditors may not engage in and empowers the Superintendent "to issue appropriate orders to [a] creditor pursuant to the banking law," upon the Superintendent's "determination that [such] regulated creditor has engaged in or is engaging in discriminatory practices," and that "[s]uch orders may be issued without the necessity of a complaint being filed by an aggrieved person." Section 296-a (9) obligates creditors to certify their compliance with Executive Law § 296-a when making certain applications to the Superintendent. Under Executive Law § 296-a (11), the Superintendent is empowered to promulgate regulations necessary to effectuate the purposes of the statute.

2. Legislative Objectives: To expand the criteria by which the Department assesses a banking institution's record in meeting the credit needs of

its entire community to include service to women-owned and minority-owned businesses.

3. Needs and Benefits: The proposed amendment was necessitated by the statutory amendment to BL § 28-b. The proposed amendment is designed to conform 3 NYCRR Part 76 ("Part 76") to this new statutory mandate. The Department needs banking institutions to collect new data during the lending process and report it to the Department to carry out the new statutory requirement, and Section 76.16 specifies how they should do so. The collection of the information also allows the Department to monitor covered institutions' compliance with Executive Law § 296-a. An institution's noncompliance with fair lending laws is a criterion already considered by the Department in CRA examinations, in accordance with BL § 28-b.

The Department needs access to new data on the lending practices of covered institutions to do the analysis required. This data will also serve to improve the Department's CRA examinations and its enforcement of the fair lending law.

4. Costs: The regulation will impose new record keeping requirements on covered banking institutions and related adjustments to their compliance programs. Although banking institutions may incur some additional costs to comply with the amended Part 76, these businesses have the necessary experience, resources, and systems to do so.

The regulation will not result in any fiscal implications to the State.

5. Local Government Mandates: This regulation will impose no new mandates on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: Banking institutions will face new recordkeeping requirements and may need to adjust their lending procedures to comply with the amendment. The Department will not create or require any new forms that must be completed by banking institutions to conform to the new regulation. However, a request for the new data being collected pursuant to the proposed regulation will be added to the requests for data included in the first day letter sent to each covered banking institution ahead of examination. Banking institutions will not submit any additional filings to the Department.

7. Duplication: This amendment does not duplicate or conflict with any existing state or federal rules or other legal requirements. Consistent federal law exists, as noted below, but neither duplicates nor conflicts with the proposed amendment. Further, Section 76.16 (g) provides an alternative compliance standard if future federal regulations should create any conflicts or duplication. The Department, in its discretion, may determine that compliance with any relevant future federal regulation constitutes compliance with Part 76 requirements.

8. Alternatives: There are no viable alternatives to this regulation. The Department is legally obligated to conform Part 76 to changes in BL § 28-b. The Department initially responded to the new version of BL § 28-b by issuing an Industry Letter on June 30, 2020:

https://www.dfs.ny.gov/industry_guidance/industry_letters/il20200630_alert_amends_nycra

This Industry Letter is insufficient in the long term for compliance purposes. A formal regulation is needed to mandate data collection by banking institutions, particularly due to restrictions on data collection imposed by a federal regulation discussed below.

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 2 comments. These comments came from a single banking institution.

Comment: The Department should consider exempting designated Minority Depository Institutions ("MDI") from reporting data as set forth in the draft text of Part 76 because MDIs focus on providing services to minority populations.

Department Response: Exempting MDIs would contravene the purpose of the regulation and may limit the usefulness of the data collected overall by failing to account for meaningful segments of the market.

Comment: Depending on an institution's loan operating system, it may be impractical to prevent underwriters from accessing the data collected.

Department Response: 76.16(d) of the draft accounts for this concern, specifying that, "[w]here feasible," loan underwriters or other officers or employees of a banking institution involved in making determinations concerning applications for credit shall not have access to the information collected. The provision does not bar access to the information absolutely.

9. Federal Standards: The Dodd-Frank Act, Public Law 111-203, enacted on July 21, 2010, as codified at 15 U.S.C. § 1691c-2, requires financial institutions to identify business and community development needs and opportunities of women-owned, minority-owned, and small businesses. 15 U.S.C. § 1691c-2(b) requires financial institutions to:

(1) inquire whether an applicant business is a women-owned, minority-owned, or small business, without regard to the mode of submission of its application or whether or not such application was made in response to a solicitation by the financial institution; and

(2) maintain a record of the responses to such application, separate from the application and accompanying information.

The Dodd-Frank Act requires that this information be submitted annually to the Consumer Financial Protection Bureau ("CFPB"). However, at present, covered institutions are not obligated to comply with this provision, as the CFPB in 2011 advised covered institutions that they are not obligated to comply until the CFPB issues implementing regulations. The Dodd-Frank Act explicitly requires the CFPB to promulgate such regulations (15 U.S.C. § 1691c-2(g)(1)), and on September 1, 2021, the CFPB published a notice of proposed rulemaking for the regulation. No date for final adoption has been set.

CFPB's Regulation B, 12 C.F.R. Part 1002, is promulgated to implement ECOA. Part 1002.5 of Regulation B limits inquiries concerning the ethnicity, race, and sex of an applicant seeking a loan from a financial institution. 12 C.F.R. 1002.5 (a) (2) and 1002.5 (b) create a relevant exception to these limitations. Under Part 1002.5 (a)(2), "a creditor may obtain information required by a regulation, order, or agreement issued by, or entered into with, a court or an enforcement agency (including the Attorney General of the United States or a similar state official) to monitor or enforce compliance with the Act, this part, or other Federal or state statutes or regulations."

The Department's proposed amendment to Part 76 creates a regulatory requirement that falls within the scope of this provision. Information provided to the Department will be used to monitor performance under the federal CRA, New York's version of the CRA codified in BL § 28-b, the federal ECOA, and New York's parallel fair lending statute, Executive Law § 296-a.

10. Compliance Schedule: The proposed amendment will be effective upon adoption. The Department does not believe any transition period is necessary for this amendment. Banking institutions already should be familiar with the relevant change in BL § 28-b. The Department also issued an Industry Letter on June 30, 2020, concerning the new statutory requirements. See: https://www.dfs.ny.gov/industry_guidance/industry_letters/il20200630_alert_amends_nycra

Accordingly, banking institutions should have already modified their practices to a significant extent.

Regulatory Flexibility Analysis

1. Effect of Rule: State Administrative Procedure Act ("SAPA") § 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 amendment affects all companies regulated under the Banking Law equally, including banking institutions that are small businesses. The amendment to Part 76 will require banking institutions to collect relevant data from loan applicants to allow the Department of Financial Services ("Department") to implement the legislative mandate established by the recent amendment to Banking Law § 28-b. As amended, Banking Law § 28-b adds the treatment of women-owned and minority-owned small businesses to the Community Reinvestment Act ("CRA") criteria that the Superintendent of Financial Services must consider when evaluating certain notices and applications.

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. Additionally, the Department advised lenders that this regulatory change would be forthcoming in a June 30, 2020, Industry Letter. Small businesses that are women-owned and minority-owned businesses are among the intended beneficiaries of this amendment.

This rule does not affect local governments.

2. Compliance Requirements: The amendment will impose new record keeping requirements on banking institutions and require adjustments to their compliance programs. Although banking institutions may incur some additional costs to comply with the amended Part 76, these businesses have the experience, resources, and systems to comply with these requirements.

New Section 76.16(g) mitigates potential compliance costs if future federal regulations should create any conflicts or duplication. The Department, in its discretion, may determine that compliance with any relevant future federal regulation is sufficient to comply with Part 76 requirements.

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: It is not anticipated that small businesses will require any additional professional services to comply with the requirements of this amendment.

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: As noted above, new recordkeeping requirements will impose some compliance costs on banking institutions.

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: The rulemaking should not

impose adverse economic or technological burdens on small businesses. Banking institutions have the experience, resources, and systems to comply with these requirements and currently comply with similar requirements.

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 proposed amendment should not impose significant adverse impacts on small businesses.

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 § 202-b(6) by posting the proposed rule on its website for informal outreach and notifying CRA officers and trade organizations that represent the interests of small businesses that the proposed rule had been posted. The Department also will comply with SAPA § 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: Because the proposed rule will apply to all banking institutions covered by the New York Community Reinvestment Act ("CRA"), Banking Law ("BL") § 28-b, in New York State, it will necessarily apply to covered institutions in rural areas. There are 76 state-chartered banks in New York that will be covered by the proposed rule. The Department of Financial Services ("Department") estimates that those state-chartered banks have 1,010 branches located in rural areas, as that term is defined by Executive Law § 481(7), representing approximately 87.2% of the total number of state-chartered bank branches in New York State.

2. Reporting, Recordkeeping and Other Compliance Requirements; and Professional Services: To allow the Department to comply with a recent amendment to BL § 28-b, which requires the Superintendent to evaluate the extent of covered banking institutions' provision of credit to minority- and women-owned businesses ("MWOBS"), the rule would establish how covered banking institutions should solicit, collect, store, and report information to the Department relating to their provision of credit to MWOBS. This data collection and reporting will be part of institutions' general compliance with longstanding CRA reporting requirements, and the Department has limited the scope of data collection to that which is essential to the Department's ability to comply with the legislative mandate. The size of the collection and reporting obligation will correlate with the covered institution's volume of business. Thus, the Department expects that all covered institutions already have the relevant expertise and resources to perform the data collection and reporting required. It is not anticipated that lenders located in rural areas will need additional professional services other than those used in the normal course of their business to comply with existing regulations.

3. Costs: The requirements of Part 76 do not impose any direct costs on lenders. Although lenders may incur some additional costs as a result of complying with Part 76, banking institutions already have the experience, resources and systems to comply with these requirements. The requirements of Part 76 will apply uniformly across all lenders and it is not anticipated that lenders located in rural areas will have any costs different than those located in urban or suburban areas.

4. Minimizing Adverse Impacts: The requirements of Part 76 will apply uniformly across all geographic regions. The Department has determined that uniform regulatory requirements are appropriate. BL § 28-b does not provide for any special exemptions for rural areas. During the Department's outreach to industry representatives as part of its development of this rule, industry associations did not raise concerns about adverse impacts on their rural constituents.

5. Rural Area Participation: The Department has complied with State Administrative Procedure Act § 202-bb(7) by publishing a general notice of proposed rulemaking, through outreach to industry associations, and, to the extent covered institutions in rural areas are also small businesses, by providing advance notice of the publication of the proposal in the State Register on the Department's website to comply with the requirements of State Administrative Procedure Act § 202-b(6).

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. Banking institutions are already regulated under various federal and state laws. These institutions already have the experience, resources and systems to comply with these requirements and currently comply with similar requirements.

Compliance with the amendment is not expected to have a significant adverse effect on jobs or employment activities within the banking industry. To the extent that women-owned and minority-owned businesses obtain improved access to credit from banking institutions, the employment effect may be positive.

New York State Joint Commission on Public Ethics

NOTICE OF ADOPTION

Records Access

I.D. No. JPE-21-21-00002-A

Filing No. 1093

Filing Date: 2021-10-19

Effective Date: 2021-11-03

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

Action taken: Amendment of Part 937 of Title 19 NYCRR.

Statutory authority: Executive Law, sections 94(9)(c) and (19)

Subject: Records access.

Purpose: To update regulations governing records access.

Text of final rule: Section 937.1 is amended to read as follows:

These regulations provide information concerning the procedures by which records of the Joint Commission on Public Ethics ("Commission") shall be available for public inspection and copying.

(a) Pursuant to Executive Law section 94(19)(a) the [only] following records of the Commission [which] shall be available for public inspection and copying [are set forth below]:

[(a)] (1) The information set forth in an annual statement of financial disclosure filed pursuant to section 73-a of the Public Officers Law except the categories of value or amount, which shall remain confidential, and any other item of information deleted pursuant to Section 94(9)(h) of the Executive Law (Effective for filings due before [until] January 1, 2013);

[(b)] (2) The information set forth in an annual statement of financial disclosure filed pursuant to section 73-a of the Public Officers Law except information deleted pursuant Section 94 (9)(h) of the Executive Law (Effective for filings due after January 1, 2013);

[(c)] (3) Notices of Delinquency sent pursuant to section 94(12) of the Executive Law;

[(d)] (4) Notices of Civil Assessments imposed pursuant to section 94(14) of the Executive Law that shall include a description of the nature of the alleged wrongdoing, the procedural history of the complaint, the findings and determinations made by the Commission, and any sanction imposed;

[(e)] (5) The terms of any Settlement Agreement or compromise of a complaint or referral that includes a fine, penalty or other remedy;

[(f)] (6) Those records required to be held or maintained publicly available pursuant to article one-A of the Legislative Law; and

[(g)] (7) Substantial basis investigation reports issued by the Commission pursuant to section 94 (14- a) and (14-b) of the Executive Law. With respect to reports concerning members of the Legislature or legislative employees or candidates for member of the Legislature, the Commission shall not publicly disclose or otherwise disseminate such reports except in conformance with the requirements of section 80(9)(b) of the Legislative Law.

(b) In addition to the records in paragraphs (1) and (2) of subdivision (a) the following information related to annual statements of financial disclosure shall be available pursuant to a request for information and/or access to records in accordance with this Part:

(1) With respect to a particular annual statement of financial disclosure:

(a) The date of submission.

(b) Whether deletions have been made to the filing, pursuant to Executive Law §§ 94(9)(h).

(i) This will not include information that is routinely redacted from all annual statements of financial disclosure by the Commission as a matter of course such as addresses of primary residence, names of minor children, email addresses, and account numbers.

(c) If a particular filing is unavailable: the status of that filing (whether it is pending, overdue, or unavailable for some other reason such as an extension of time to file pursuant to Executive Law § 94(9)(c), an exemption from filing pursuant to Executive Law § 94(9)(k), or a pending application for deletion or exemption pursuant to Executive Law §§ 94(9)(h), (i) or (i-1)).

(2) With respect to a particular individual, whether such individual is required to file an annual statement of financial disclosure, including:

(a) Whether the individual has been designated a Policy Maker or meets the filing rate pursuant to Public Officers Law § 73-a.

(i) This shall include the date that the reporting individual's appointing authority amended the written instrument required under Public Officers Law § 73-a(1)(c)(2) to include the individual as a required filer.

(b) Whether such individual has sought or received an exemption from filing pursuant to Executive Law § 94(9)(k).

NB: responses to subparagraphs (a) and (b) of paragraph (2) may vary depending on the filing year in question.

(3) For a specific state agency (as defined by subsection 1(b) of Public Officers Law § 73-a), a list of individuals who are required to submit an annual statement of financial disclosure and whether each individual has been designated as a Policy Maker by their appointing authority.

(5) The application (including all associated materials) for exemption, deletion and extension pursuant to Executive Law §§ 94(9)(c), (h), (i), (i-1), and (k), and the Commission's regulations, shall be exempt from the provisions of this subdivision and not subject to disclosure.

(c) In addition to the records in subdivision (a) of this section the Commission shall make available, pursuant to a request for information and/or access to records in accordance with this Part, the name, title and salary of all Commission staff.

(d) As of January 1, 2022 requests for information and/or records pursuant to this section shall be recorded in a Record Access Request Log, which shall include the date of the request and the identity of the individual or entity that made the request and identify the record or records requested and provided. The Record Access Request Log shall be made available upon a request for information and/or access to records in accordance with this Part.

Paragraph (1) of section 937.2(c) is amended to read as follows:

(1) assist the requester in identifying the record and information sought, if necessary;

Section 937.3 is amended to read as follows:

§ 937.3 Requests for information and access to publicly available records

(a) A request for information and/or access to records pursuant to this part shall be in writing [or] on a form [approved] provided by the Commission.

(b) A request shall reasonably describe the information or record sought. To the extent possible, a requesting person should supply identifying details of the information or record, such as the name of the person, entity or title associated with the information or record sought and dates or filing period.

(c) A response to a request that reasonably describes the information or record sought shall be made within five business days of receipt of the request by:

(1) granting access to the record; [or]

(2) providing the information sought; [or]

(3) [2] acknowledging the receipt of the request in writing, including an approximate date when the request will be granted, which shall be reasonable under the circumstances and shall not be more than twenty business days after the date of the acknowledgement, or providing a statement in writing indicating the reason for the inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted; or

(4) [3] if receipt of the request was acknowledged in writing and included an approximate date when the request would be granted within twenty business days of such acknowledgement, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgement specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted.

Section 937.5 is amended to read as follows:

§ 937.5 Deletion and exemption of certain items of information from financial disclosure statements.

(a) Prior to making any financial disclosure statement publicly available, the Records Access Officer shall delete any other item of information that the Commission has determined to delete pursuant to section 94[(9)(h)] of the Executive Law, and for filings due prior to January 1, 2013, the categories of value and amount.

(b) In accordance with the rules set forth in 19 NYCRR 941.17(b)(1), pending any application for deletion or exemption to the executive director or notice of appeal filed with the members of the Commission, all information which is the subject or a part of the application or appeal shall remain confidential.

* * *

Subdivision (a) and (b) of section 937.6 is amended to read as follows:

(a) The Director of Ethics or his or her designee [General Counsel, or Deputy General Counsel in the General Counsel's stead], shall act as the Records Access Appeals Officer.

(b) Any person denied access in whole or in part to a record or records requested pursuant to subdivision (a) or (d) of section 937.1 of this Part or information requested pursuant to subdivision (b) or (c) of section 937.1 of this Part may within thirty days appeal in writing such denial to the Records Access Appeals Officer who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record or information the reasons for further denial, or provide access to the information or record sought. This shall constitute the final determination of the Commission.

Final rule as compared with last published rule: Nonsubstantial changes were made in section 937.6.

Revised rule making(s) were previously published in the State Register on August 18, 2021.

Text of rule and any required statements and analyses may be obtained from: Megan Mutolo, Joint Commission on Public Ethics, 540 Broadway, Albany, NY 12207, (518) 408-3976, email: megan.mutolo@jcope.ny.gov

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

A Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not submitted with this Notice of Revised Rulemaking because changes made to the last published rule do not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Department of Labor

EMERGENCY RULE MAKING

New York State Excluded Worker Fund

I.D. No. LAB-44-21-00002-E

Filing No. 1086

Filing Date: 2021-10-13

Effective Date: 2021-10-13

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

Action taken: Addition of Part 704 to Title 12 NYCRR.

Statutory authority: State Administrative Procedure Act, section 202(6); L. 2021, ch. 59, part EEE

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

Specific reasons underlying the finding of necessity: This emergency regulation is necessary to continue implementation Part EEE of Chapter 59 of the Laws of 2021, a \$2.1 billion program created in the New York State Fiscal Year 2022 Budget called the Excluded Worker Fund (EWF). EWF provides cash payments to workers that have suffered income loss due to the COVID-19 public health and economic crisis, but are ineligible for traditional Unemployment Insurance or other federal financial benefits due to their immigration status or other factors. The economic impact of COVID-19 has resulted in significant financial insecurity for workers in New York State, including populations that lost their sources of income but cannot meet the eligibility requirements for benefits in Article 18 of the New York State Labor Law, Title II of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Continued Assistance for Unemployed Workers Act of 2020, or Title IX of the American Rescue Plan Act.

An unprecedented number of workers suffered employment loss in the past year -- since March 2020, the New York State Department of Labor paid over \$94 billion in unemployment benefits to approximately 4.7 million New Yorkers. Benefits paid out throughout the pandemic have allowed New Yorkers to continue to provide for their families and themselves, but this figure does not include workers that would be eligible for EWF. These workers have not only been unable to work during the disas-

ter emergency caused by COVID-19, but as a result of not having access to the same economic assistance offered to other workers, have had to endure extreme financial insecurity.

This regulation will allow the Department of Labor to complete implementation of EWF as quickly and efficiently as possible, while maintaining program integrity, to provide needed financial relief in the form of lump-sum payments to working New Yorkers who have been unable to access other relief programs during the pandemic. Providing such relief quickly and without undue delay is necessary to the public health, safety, and the general welfare by ensuring that excluded workers can meet their financial needs amid the COVID-19 public health and economic crisis. Further, as required by Section 2(5)(o) of Part EEE of Chapter 59 of the Laws of 2021, the Office of the Attorney General approved the Department of Labor's regulations implementing the Excluded Worker Fund on July 12, 2021.

Subject: New York State Excluded Worker Fund.

Purpose: Implementation of the Excluded Worker Fund in accordance with part EEE of chapter 59 of the Laws of 2021.

Substance of emergency rule (Full text is posted at the following State website: <https://do1.ny.gov/EWF>): This proposed rule making creates a new Part 704 in Chapter X of Title 12 of the NYCRR.

§ 704.1 addresses Excluded Worker Fund (EWF) application materials generally. This section allows the Commissioner of Labor to set the form, time, and manner that application documents must be provided, as well as allows the Commissioner to contact an applicant or purported source of a document for clarification if necessary.

§ 704.2 addresses work-related earnings or household income loss. This section defines terms used in this Part and within Part EEE of Chapter 59 of the Laws of 2021, including enumerating specific requirements for applicants applying for EWF benefits based on the death or disability of a breadwinner or major source of income for a household.

§ 704.3 lists documents, and corresponding point system values, that the Commissioner will accept as proof of identity in addition to the documents already listed in paragraph (b) of subsection 5 of section 2 of Part EEE of Chapter 59 of the Laws of 2021.

§ 704.4 lists documents that the Commissioner will accept as proof of residency in addition to the documents already listed in paragraph (a) of subsection 5 of section 2 of Part EEE of Chapter 59 of the Laws of 2021.

§ 704.5 addresses proof of work-related eligibility. This section lists documents, and corresponding point system values, that the Commissioner will accept as proof of work-related eligibility for the benefits in paragraphs (a) and (b) of subsection 3 of section 2 of Part EEE of Chapter 59 of the Laws of 2021. Applicants must establish at least 5 points of proof for the \$15,600 (less taxes) EWF benefit and at least 3 points for the \$3,200 (less taxes) EWF benefit.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires January 10, 2022.

Text of rule and any required statements and analyses may be obtained from: Michael Paglialonga, Esq., NYS Department of Labor, State Office Campus, Building 12, Room 509, Albany, NY 12240, (518) 485-2191, email: regulations@labor.ny.gov

Additional matter required by statute: Approval was provided by the Office of the Attorney General on July 12, 2021, pursuant to Section 2(5)(o) of Part EEE of Chapter 59 of the Laws of 2021.

Regulatory Impact Statement

Statutory Authority: State Administrative Procedure Act (SAPA) § 202(6) and Part EEE of Chapter 59 of the Laws of 2021.

Legislative Objectives: Part EEE of Chapter 59 of the Laws of 2021 created a \$2.1 billion program called the Excluded Worker Fund (EWF) to provide cash payments to workers who have suffered income loss due to the COVID-19 pandemic but are ineligible for Unemployment Insurance or related federal benefits due to their immigration status or other factors. Low-income workers who can provide sufficient documentation to establish work-related eligibility and residency in the state, and meet all other statutory requirements, may be eligible for lump-sum payments in the amount of \$15,600 or \$3,200 (less taxes). To qualify for EWF payments, workers must show that they (1) lived in New York State before March 27, 2020, and continue to live in New York State; (2) are not eligible for and did not receive unemployment insurance or any other COVID-19 income relief or other specified benefits from the state or federal government; (3) earned less than \$26,208 in the 12 months prior to April 2021; and (4) lost income after February 23, 2020 and during the benefit period from March 27, 2020 through April 1, 2021 due to unemployment, partial employment, or inability to work due to a disability.

Applicants may also be eligible if they became responsible for a majority of their household income due to death or disability of the head of household.

Part EEE of Chapter 59 of the Laws of 2021 (hereinafter the EWF stat-

ute) become effective immediately upon enactment on April 19, 2021. Before EWF can be fully implemented, paragraph (n) of subsection 5 of section 2 of the EWF statute requires the Commissioner of Labor to promulgate regulations to effectuate section 2. Specifically, she must assign point values to each document that an applicant may provide to prove work-related eligibility pursuant to paragraph (m) of subsection 5. The Commissioner can only make a determination that an applicant has demonstrated work-related eligibility pursuant to paragraph (m) of subsection 5 if the applicant presents proof meeting the regulations.

Further, the EWF statute allows the Commissioner to establish, by regulation, alternative documents that sufficiently demonstrate an applicant's qualification for the benefits described in paragraph (a) of subsection 3 of section 2, provided that such additional documents clearly demonstrate that the applicant was employed and received monetary earnings for a period of greater than six weeks in the six month period prior to the date the applicant certifies that he or she became eligible for benefits pursuant to the EWF statute.

To ensure that state funds are adequately protected against fraud and abuse, the EWF statute prohibits the Commissioner from approving the payment of any EWF benefits until these regulations have been approved by the Attorney General, whose approval must be published together with such regulations in the State Register. On July 12, 2021, the Office of the Attorney General approved these regulations implementing the Excluded Worker Fund and a letter from Jennifer Levy, First Deputy Attorney General, is included in this filing package.

Needs and Benefits: This emergency regulation is necessary to implement EWF. Once fully implemented, EWF will provide cash payments to workers that have suffered income loss due to the COVID-19 public health and economic crisis, but are ineligible for traditional Unemployment Insurance or other federal financial benefits due to their immigration status or other factors. The economic impact of COVID-19 has resulted in significant financial insecurity for workers in New York State, including populations that lost their sources of income but cannot meet the eligibility requirements for benefits in Article 18 of the New York State Labor Law, Title II of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Continued Assistance for Unemployed Workers Act of 2020, or Title IX of the American Rescue Plan Act.

An unprecedented number of workers suffered employment loss in the past year -- since March 2020, the New York State Department of Labor paid over \$94 billion in unemployment benefits to approximately 4.7 million New Yorkers. Benefits paid out throughout the pandemic have allowed New Yorkers to continue to provide for their families and themselves, but this figure does not include workers that would be eligible for EWF. These workers have not only been unable to work during the disaster emergency caused by COVID-19, but as a result of not having access to the same economic assistance offered to other workers, have had to endure extreme financial insecurity.

This rule will allow the Department of Labor to continue implementation of EWF as quickly and efficiently as possible, while maintaining program integrity, to provide needed financial relief in the form of lump-sum payments to working New Yorkers who have been unable to access other relief programs during the pandemic. Providing such relief quickly and without undue delay is necessary to the public health, safety, and the general welfare by ensuring that excluded workers can meet their financial needs amid the COVID-19 public health and economic crisis.

Costs: The Department estimates that there will be no significant costs to the regulated community, to the Department of Labor, or to state and local governments to implement this regulation. The regulation can be implemented within the Department of Labor's existing resources, including resources made available by the Fiscal Year 2022 State Budget specifically for EWF program administration.

Local Government Mandates: None.

Paperwork: This regulation enumerates documents that applicants for EWF may provide to the Commissioner of Labor to establish eligibility, in addition to the documents listed in the EWF statute.

Duplication: This regulation does not duplicate, overlap, or conflict with any other state or federal requirements.

Alternatives: There were no significant alternatives considered.

Federal Standards: There are no federal standards that overlap with this regulation.

Compliance Schedule: This emergency regulation shall become effective upon the date specified within the filing with the Department of State.

Regulatory Flexibility Analysis

Effect of Rule: The purpose and intent of this emergency regulation is to provide immediate financial relief to working New Yorkers that lost their sources of income during the COVID-19 pandemic, but cannot meet the eligibility requirements for benefits in Article 18 of the New York State Labor Law, Title II of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Continued Assistance for Unemployed Workers Act of 2020, or Title IX of the American Rescue Plan Act. The Depart-

ment anticipates this regulation will have no negative impact on small businesses or local governments.

Compliance Requirements: Small businesses and local governments will not have to undertake any new reporting, recordkeeping, or other affirmative act in order to comply with this regulation.

Professional Services: No professional services would be required to effectuate the purposes of this regulation.

Compliance Costs: The Department estimates that there will be no costs to small businesses or local governments to implement this regulation.

Economic and Technological Feasibility: The regulation does not require any use of technology to comply.

Minimizing Adverse Impact: The Department does not anticipate that this regulation will adversely impact small businesses or local governments. Since no adverse impact to small businesses or local governments will be realized, it was unnecessary for the Department to consider approaches for minimizing adverse economic impacts as suggested in State Administrative Procedure Act § 202-b(1).

Small Business and Local Government Participation: The Department does not anticipate that this regulation will have an adverse economic impact upon small businesses or local governments, nor will it impose new reporting, recordkeeping, or other compliance requirements upon them.

Initial review of the rule pursuant to SAPA § 207: Initial review of this regulation shall occur no later than the third calendar year in which it is adopted.

Rural Area Flexibility Analysis

Types and estimated numbers of rural areas: The Department anticipates that this regulation will have a positive or neutral impact upon all areas of the state; there is no adverse impact anticipated upon any rural area of the state resulting from adoption of this regulation.

Reporting, recordkeeping and other compliance requirements: This regulation will not impact reporting, recordkeeping or other compliance requirements.

Professional services: No professional services will be required to comply with this regulation.

Costs: The Department estimates that there will be no new or additional costs to rural areas to implement this regulation.

Minimizing adverse impact: The Department does not anticipate that this regulation will have an adverse impact upon any region of the state. As such, different requirements for rural areas were not necessary.

Rural area participation: The Department does not anticipate that the regulation will have an adverse economic impact upon rural areas nor will it impose new reporting, recordkeeping, or other compliance requirements.

Job Impact Statement

Nature of Impact: The Department projects there will be no adverse impact on jobs or employment opportunities in the State of New York as a result of this emergency regulation.

Categories and Numbers Affected: The Department does not anticipate that this regulation will have an adverse impact on jobs or employment opportunities in any category of employment.

Regions of Adverse Impact: The Department does not anticipate that this regulation will have an adverse impact upon jobs or employment opportunities statewide or in any particular region of the state.

Minimizing Adverse Impact: Since the Department does not anticipate any adverse impact upon jobs or employment opportunities resulting from this regulation, no measures to minimize any unnecessary adverse impact on existing jobs or to promote the development of new employment opportunities are required.

Self-Employment Opportunities: The Department does not foresee a measurable impact upon opportunities for self-employment resulting from adoption of this regulation.

Initial Review of the Rule Pursuant to SAPA § 207: Initial review of this regulation shall occur no later than the third calendar year in which it is adopted.

Assessment of Public Comment

The agency received no public comment.

Power Authority of the State of New York

NOTICE OF ADOPTION

Rates for the Sale of Power and Energy

I.D. No. PAS-27-21-00017-A

Filing Date: 2021-10-19

Effective Date: 2021-10-19

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

Action taken: Revision in Electric Rates for the Village of Watkins Glen. Three-part phase-in of rate increase over two years, in accordance with the rule's text.

Statutory authority: Public Authorities Law, section 1005(5)

Subject: Rates for the Sale of Power and Energy.

Purpose: To maintain the system's integrity. This increase in rates is not the result of an Authority rate increase to the Village.

Substance of final rule: The New York Power Authority's ("Authority") Notice of Proposed Rulemaking published on July 7, 2021 proposed a revision of the electric rates for the Village of Watkins Glen. No comments were received in response to the Authority's Notice of Proposed Rulemaking. New rates, consistent with the approved three-year phase in, commence with the November 2021 billing period.

Final rule as compared with last published rule: Substantive revisions were made in None.

Text of rule and any required statements and analyses may be obtained from: Karen Delince, Corporate Secretary, Power Authority of the State of New York, 123 Main Street, White Plains, New York 10601, (914) 390-8085, email: secretarys.office@nypa.gov

Revised Regulatory Impact Statement

A revised regulatory impact statement 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.

Revised Regulatory Flexibility Analysis

A revised regulatory flexibility analysis 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.

Revised Rural Area Flexibility Analysis

A revised rural area flexibility analysis 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.

Revised Job Impact Statement

A revised job impact statement 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.

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.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Rates for the Sale of Power and Energy

I.D. No. PAS-44-21-00016-P

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

Proposed Action: Adjustment to Cost of Service and Production Rates.

Statutory authority: Public Authorities Law, section 1005, 3rd undesignated paragraph and 1005(6)

Subject: Rates for the Sale of Power and Energy.

Purpose: To align rates and costs.

Public hearing(s) will be held at: 11:00 a.m., Dec. 9, 2021 via video conference.

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

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

Substance of proposed rule: The Power Authority of the State of New York (the "Authority") proposes to adjust the Cost of Service and production rates for its Westchester County Governmental Customers. The Authority provides electricity to governmental customers in Westchester County, including the County of Westchester, school districts, housing authorities, cities, towns, and villages. Under the proposal, the overall 2022 pro forma Cost of Service and associated rates will increase by 20.6% when compared with the 2021 rates. The adjustment is largely due to expected increases in market rates as they rebound from COVID-19 effects, reaching levels reminiscent of 2018 and 2019. The new production rates will become effective with the January 2022 billing period.

Text of proposed rule and any required statements and analyses may be obtained from: Karen Delince, Corporate Secretary, Power Authority of the State of New York, 123 Main Street, White Plains, New York 10601, (914) 390-8085, email: secretarys.office@nypa.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, 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.

Public Service Commission

NOTICE OF WITHDRAWAL

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

The following rule makings have been withdrawn from consideration:

I.D. No.	Publication Date of Proposal
PSC-40-21-00019-P	October 6, 2021

NOTICE OF ADOPTION

Petition to Use Gas Metering Equipment

I.D. No. PSC-52-20-00011-A

Filing Date: 2021-10-13

Effective Date: 2021-10-13

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

Action taken: On 10/7/21, the PSC adopted an order approving National Fuel Gas Distribution Corporation's (NFG) petition to use the Romet RMT Rotary Gas Meter models RMT1000, 1500, 2000, 3000, 5000, 7000, 11000, 16000 and 23000 in gas metering applications in New York.

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

Subject: Petition to use gas metering equipment.

Purpose: To approve NFG's petition to use gas metering equipment.

Substance of final rule: The Commission, on October 7, 2021, adopted an order approving National Fuel Gas Distribution Corporation's (NFG) petition to use the Romet RMT Rotary Gas Meter models RMT1000, RMT1500, RMT2000, RMT3000, RMT5000, RMT7000, RMT11000, RMT16000, and RMT23000 in commercial and industrial gas metering applications in New York State, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social

security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

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

(20-G-0435SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-13-21-00019-A

Filing Date: 2021-10-13

Effective Date: 2021-10-13

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

Action taken: On 10/7/21, the PSC adopted an order approving Paragon JV Prop III LLC's (Paragon JV) notice of intent to submeter electricity at 2555 Broadway, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve Paragon JV's notice of intent to submeter electricity.

Text or summary was published in the March 31, 2021 issue of the Register, I.D. No. PSC-13-21-00019-P.

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

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

Assessment of Public Comment

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

(21-E-0128SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-25-21-00010-A

Filing Date: 2021-10-13

Effective Date: 2021-10-13

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

Action taken: On 10/7/21, the PSC adopted an order approving 5531-321 East 22nd Street Manhattan LLC's (5531 Manhattan) petition to submeter electricity at 321 East 22nd Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 5531 Manhattan's petition to submeter electricity.

Text or summary was published in the June 23, 2021 issue of the Register, I.D. No. PSC-25-21-00010-P.

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

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

Assessment of Public Comment

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

(19-E-0060SA1)

NOTICE OF ADOPTION**Submetering of Electricity and Waiver Request****I.D. No.** PSC-26-21-00004-A**Filing Date:** 2021-10-13**Effective Date:** 2021-10-13

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

Action taken: On 10/7/21, the PSC adopted an order approving TSINY 89th Avenue, L.P.'s (TSINY) notice of intent to submeter electricity at 161-01 89th Avenue, Jamaica, New York and request for waiver of the energy audit requirements in 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

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

Text or summary was published in the June 30, 2021 issue of the Register, I.D. No. PSC-26-21-00004-P.

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

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

Assessment of Public Comment

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

(21-E-0146SA1)

NOTICE OF ADOPTION**Transfer of Street Lighting Facilities****I.D. No.** PSC-27-21-00015-A**Filing Date:** 2021-10-13**Effective Date:** 2021-10-13

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

Action taken: On 10/7/21, the PSC adopted an order approving New York State Electric and Gas Corporation's (NYSEG) petition to transfer street lighting facilities located within the Town of Lockport (Lockport) to Lockport.

Statutory authority: Public Service Law, section 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To approve NYSEG's petition to transfer street lighting facilities to Lockport.

Text or summary was published in the July 7, 2021 issue of the Register, I.D. No. PSC-27-21-00015-P.

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

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

Assessment of Public Comment

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

(21-E-0315SA1)

NOTICE OF ADOPTION**Transfer of Street Lighting Facilities****I.D. No.** PSC-28-21-00011-A**Filing Date:** 2021-10-13**Effective Date:** 2021-10-13

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

Action taken: On 10/7/21, the PSC adopted an order approving New York State Electric and Gas Corporation's (NYSEG) petition to transfer street lighting facilities located within the Town of Ithaca (Ithaca) to Ithaca.

Statutory authority: Public Service Law, section 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To approve NYSEG's petition to transfer street lighting facilities to Ithaca.

Text or summary was published in the July 14, 2021 issue of the Register, I.D. No. PSC-28-21-00011-P.

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

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

Assessment of Public Comment

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

(21-E-0335SA1)

NOTICE OF ADOPTION**Transfer of Street Lighting Facilities****I.D. No.** PSC-29-21-00006-A**Filing Date:** 2021-10-13**Effective Date:** 2021-10-13

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

Action taken: On 10/7/21, the PSC adopted an order approving New York State Electric and Gas Corporation's (NYSEG) petition to transfer street lighting facilities located within the Town of Horseheads (Horseheads) to Horseheads.

Statutory authority: Public Service Law, section 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To approve NYSEG's petition to transfer street lighting facilities to Horseheads.

Text or summary was published in the July 21, 2021 issue of the Register, I.D. No. PSC-29-21-00006-P.

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

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

Assessment of Public Comment

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

(21-E-0352SA1)

NOTICE OF ADOPTION**Transfer of Street Lighting Facilities****I.D. No.** PSC-29-21-00007-A**Filing Date:** 2021-10-13**Effective Date:** 2021-10-13

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

Action taken: On 10/7/21, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the Town of Guilderland (Guilderland) to Guilderland.

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

Subject: Transfer of street lighting facilities.

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

Substance of final rule: The Commission, on October 7, 2021, adopted an order approving Niagara Mohawk Power Corporation d/b/a National

Grid's (National Grid) petition to transfer street lighting facilities located within the Town of Guilderland (Guilderland) to Guilderland. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period. National Grid shall file with the Secretary, within sixty days of the final transfer of the street lighting facilities to Guilderland, a copy of the actual journal entries, including all related workpapers, recorded to account for the transaction, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(21-E-0360SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-30-21-00005-A

Filing Date: 2021-10-13

Effective Date: 2021-10-13

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

Action taken: On 10/7/21, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the Town of Johnstown (Johnstown) to Johnstown.

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

Subject: Transfer of street lighting facilities.

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

Substance of final rule: The Commission, on October 7, 2021, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the Town of Johnstown (Johnstown) to Johnstown. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period. National Grid shall file with the Secretary, within sixty days of the final transfer of the street lighting facilities to Johnstown, a copy of the actual journal entries, including all related workpapers, recorded to account for the transaction, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(21-E-0370SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-30-21-00010-A

Filing Date: 2021-10-13

Effective Date: 2021-10-13

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

Action taken: On 10/7/21, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the Town of Webb (Webb) to Webb.

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

Subject: Transfer of street lighting facilities.

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

Substance of final rule: The Commission, on October 7, 2021, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the Town of Webb (Webb) to Webb. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period. National Grid shall file with the Secretary, within sixty days of the final transfer of the street lighting facilities to Webb, a copy of the actual journal entries, including all related workpapers, recorded to account for the transaction, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(21-E-0369SA1)

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Disposition of a New York State Tax Refund

I.D. No. PSC-44-21-00012-P

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

Proposed Action: The Public Service Commission is considering a petition filed by New York American Water Company, Inc. regarding the proposed disposition of a tax refund from the New York State Department of Taxation and Finance in the amount of \$673,327.21.

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

Subject: Disposition of a New York State tax refund.

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

Public hearing(s) will be held at: 10:00 a.m., Jan. 4, 2022 at teleconference. (Public Statement Hearing)*

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

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

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

Substance of proposed rule: The Public Service Commission is considering an amended petition, filed on October 1, 2021, of a June 24, 2021 petition filed by New York American Water Company, Inc. (the Company) for a proposed disposition of a sales tax refund totaling \$673,327.21 from the New York State Department of Taxation and Finance for tax year January 1, 2019 through December 31, 2019 (2019 Tax Refund). The Company obtained the sales tax refund as a result of a reverse tax audit it initiated with the Department of Taxation and Finance. The Company requests Commission approval under PSL § 113(2) of the Company's proposed method of disposition of the tax refund.

In its June 24, 2021 petition, the Company proposes that the entire 2019 Tax Refund, minus expenses associated with tax consultant auditing and related costs incurred to achieve the refund, inure to the benefit of its customers. The Company asserts that it incurred incremental expenses of \$29,329 for tax consultants Reed Smith, LLP, and the resulting net refund totals approximately \$114,471. In the October amendment, the Company states that it inadvertently omitted a refund received in April 2021 of \$527,049.90. The Company proposed to add this amount to original filing and dispose of the total amount of \$673,327.21.

The Company proposes to use the net refund to offset the Company's revenue allocation clause/property tax reconciliation surcharges (RAC/

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

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

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

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

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

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

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

(21-W-0356SP2)

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

Petition to Enter a Long Term Loan Agreement and to Institute a Surcharge for Recovery

I.D. No. PSC-44-21-00010-P

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

Proposed Action: The Commission is considering the petition of West Beekman Water Co., Inc. for authorization to enter into a 10-year loan agreement to borrow up to \$225,000 from the Bank of Millbrook and to institute a surcharge to repay the loan.

Statutory authority: Public Service Law, sections 89-b, 89-c and 89-f

Subject: Petition to enter a long term loan agreement and to institute a surcharge for recovery.

Purpose: To determine if the issuance of long term debt and a surcharge mechanism for recovery is in the public interest.

Substance of proposed rule: The Commission is considering the petition of West Beekman Water Co., Inc. (Company) requesting the authorization to enter into a long-term loan agreement for an amount not to exceed \$225,000 and to establish a surcharge in its tariff schedule, P.S.C. No. 1—Water.

The loan would be used to fund the painting of four water storage tanks to comply with an asserted mandate issued by the Dutchess County Department of Behavioral and Community Health. The Company bases the loan amount on a current forecasted cost of \$199,000 and a contingency of \$26,000. The Company has negotiated for a 10-year term at 6.5%. The Company plans to collect the debt service through a quarterly surcharge of up to \$20.00 per customer.

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

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

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

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

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

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

(21-W-0497SP1)

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

Amount Electric, Gas, and Steam Corporations Can Charge for Security Deposits, and the Acceptable Forms of Payment

I.D. No. PSC-44-21-00011-P

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

Proposed Action: The Commission is considering a petition filed by the New York Municipal Power Agency requesting a waiver of 16 NYCRR section 13.7(b) and (d), which addresses the calculation of utility security deposits and alternative forms of deposits.

Statutory authority: Public Service Law, sections 69 and 70

Subject: The amount electric, gas, and steam corporations can charge for security deposits, and the acceptable forms of payment.

Purpose: To establish security deposit requirements.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by the New York Municipal Power Agency (NYMPA) on September 25, 2021, requesting a waiver of 16 NYCRR § 13.7(b) and (d), which addresses the calculation of utility security deposits and alternative forms of deposits.

16 NYCRR § 13.7(b) specifies that deposits shall not exceed the cost of twice the customer's average monthly usage, except in the case of customers whose usage varies widely such as space-heating or -cooling customers, or certain manufacturing and industrial processors, where the deposit shall not exceed the cost of twice the average monthly usage for the peak season. However, for High Density Load (HDL) customers, such as cryptocurrency miners, the NYMPA specifies that the deposit is set equal to two times the estimated total monthly bill of the Rider A customer. NYMPA explains that the distinction is critical because HDL customers can have bills that are much higher in the winter than in the summer based on higher supply costs. NYMPA explains that using an average puts the utility's ratepayers at undue risk. 16 NYCRR § 13.7(d)(1), requires a utility to accept deposit alternatives which provide a level of security equivalent to cash, such as irrevocable bank letters of credit and surety bonds. The NYMPA tariff requires HDL customers to provide security in the form of a deposit or letter of credit. Due to the difficulty with calling surety bonds, they are not accepted as a security deposit for HDL customers. NYMPA explains the waiver is needed to avoid lengthy complaint resolution processes.

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

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

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

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

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

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

(18-E-0126SP2)

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

Transfer of Street Lighting Facilities

I.D. No. PSC-44-21-00013-P

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

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

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

Subject: Transfer of street lighting facilities.

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

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on October 1, 2021, by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), requesting authorization to transfer certain street lighting facilities located in the Town of Evans (Town) to the Town.

The original cost of the facilities was approximately \$989,437 and the net book value of the assets is \$534,742 as of July 31, 2021. The facilities include approximately 1,426 street light locations, consisting of approximately 1,426 luminaires, and associated lamps, mast arms, electrical connections, wiring, and other appurtenances, as well as certain identified street lighting poles. National Grid proposes to transfer the street lighting facilities to the Town for approximately \$566,881, which includes the net book value of the assets as well as transition and transaction costs. National Grid explains that the agreement between it and the Town provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of closing.

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

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

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

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

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

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

(21-E-0507SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Development of Distribution and Local Transmission in Accordance with the AREGCB Act

I.D. No. PSC-44-21-00014-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 for rehearing and clarification filed by LS Power Grid New York Corporation I on the September 9, 2021 Order on Local Transmission and Distribution Planning Process and Phase 2 Project Proposals.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66; Accelerated Renewable Energy Growth and Community Benefit Act of 2020

Subject: Development of distribution and local transmission in accordance with the AREGCB Act.

Purpose: To support distribution and local transmission investments necessary to achieve the State's climate goals.

Substance of proposed rule: The Public Service Commission (Commission) is considering the petition (Petition) filed by LS Grid Power Corporation I (LS Power) on October 8, 2021, requesting rehearing and clarification by the Public Service Commission (Commission) on two elements of the September 9, 2021 Order on Local Transmission and Distribution Planning Process and Phase 2 Project Proposals (September Order) in this proceeding.

As explained in the petition, LS Power seeks rehearing on the Commission's proposal to establish a new mechanism to allocate the costs of local transmission upgrades across the State. LS Power argues that the Commission is preempted from allocating transmission upgrade costs – including local transmission upgrade costs – by the Federal Energy Regulatory Com-

mission's (FERC) exclusive jurisdiction over transmission in interstate commerce under the Federal Power Act. According to LS Power, since the local transmission upgrades will benefit customers state-wide and are proposed to be allocated on a state-wide load ratio share basis, they are subject to the New York Independent System Operator, Inc.'s (NYISO) regional transmission planning processes. Pursuant to FERC's Order No. 1000, the costs of such upgrades may only be allocated on a regional basis under the provisions of the NYISO's Open Access Transmission Tariff.

LS Power also requests that the Commission clarify that facilities operating at over 200 kV, including certain upgrades proposed by the Long Island Power Authority (LIPA) and Consolidated Edison Company of New York, Inc. (Con Edison), do not constitute local transmission and, therefore, do not qualify under the September Order.

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

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

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

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

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

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

(20-E-0197SP6)

REVISED RULE MAKING NO HEARING(S) SCHEDULED

More Specific Requirements for Operator Qualification to Work on Pipelines. Allows Applications for "Special Permits."

I.D. No. PSC-14-21-00003-RP

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

Proposed Action: Amendment of Part 255 of Title 16 NYCRR.

Statutory authority: Public Service Law, sections 4, 5, 65 and 66

Subject: More specific requirements for Operator Qualification to work on pipelines. Allows applications for "special permits."

Purpose: To make the provision of natural gas service safer in New York State with better qualified pipeline workers.

Substance of revised rule (Full text is posted at the following State website: <https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=19-G-0736&CaseSearch=Search>): The Public Service Commission is considering revisions to certain sections of 16 NYCRR Part 255 that will:

(1) Change an existing procedure whereby a regulated operator may seek a "waiver" of a regulation to a request for a "special permit." Currently, pipeline operators are required to comply with the regulations as stated or ask for a "waiver" of the requirement. The term "waiver," however, inaccurately describes what occurs when a company is complying with the regulations but believes it can do so in a different manner than specifically stated in the regulations. A "special permit," whether granted temporarily or permanently, is a more accurate description of what is being granted. Any alternative approach to a regulation as written must still "meet or exceed" the existing regulation.

(2) Add a definition for "span of control," which describes pipeline operators' ratio of fully operator qualified supervisors to non-qualified workers who are completing pipeline work.

(3) Add a definition for "evaluator," which identifies the person who performs and evaluation.

(4) Revise the definition of "covered task." All pipeline workers must be operator qualified to complete covered tasks. However, the term "covered task" now only applies to repairs made on a pipeline. The term would be amended so that it also applies to pipeline construction, not only repair work, meaning that workers would also have to be operator qualified to perform construction on pipelines, which the rules do not now specify.

(5) Revise the definition of “evaluation,” which determines an individual’s ability to correctly perform a covered task by written or oral examinations and observation during performance on the job or during simulations.

(6) Revise the definition of “qualified,” which clarifies that an individual must complete an evaluation and prescribes abilities that an individual must possess.

(7) Revise the frequency of inspection for onshore service line atmospheric corrosion control monitoring. This revision from 3- to 5- calendar years on onshore service lines is being made for consistency with the revisions previously made for inside service line inspections in Case 15-G-0244.

(8) Revise the title of § 255.604 to “Qualification of Pipeline Personnel,” to clarify those individuals addressed within the section.

And amend (9) operator qualification programs [would have to be amended] to make clear that to be qualified, pipeline personnel must have been evaluated for their knowledge, skills, and abilities (KSA’s) to complete each covered task. Pipeline operators may define “covered tasks” and the training necessary to become operator qualified but must use the individual operator’s system for which pipeline personnel are being qualified. Further, although written tests are not required to test workers’ repair or construction knowledge, when written tests are used, they must be offered in a secure setting that precludes opportunities to cheat. A passing grade on a written test will have to include basic requirements; for instance, pipeline personnel cannot be deemed to have passed a written exam if they incorrectly answered any question about how to respond to an abnormal operating condition (AOC), which is a pipeline condition that can cause an incident. More generally, operators must explain their management of change (MOC) process for when they make changes to their own operator qualification protocols, such as when and how a task, process, or span of control changes. Operators would have to develop a method to keep records and allow real-time checks for which pipeline personnel are operator qualified and for which tasks on any worksite. It should also be apparent when those credentials expire.

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

Revised rule compared with proposed rule: Substantial revisions were made in sections 255.3(a) and 255.604.

Text of revised proposed rule and any required statements and analyses may be obtained from John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: John.Pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle Phillips, 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: 45 days after publication of this notice.

Revised Regulatory Impact Statement

Statutory Authority:

Public Service Law (PSL) §§ 4, 5, 65, and 66 assign to the Public Service Commission (PSC, Commission) jurisdiction, supervision, powers, and duties over natural gas (and other utility) corporations in New York State and the conveying, transportation, and distribution of gas, which includes “all powers necessary or proper,” to ensure that gas service is “safe and adequate and in all respects just and reasonable.” The PSC has general supervision of all pipeline corporations that deliver and otherwise provide service to end-use natural gas and steam customers operating throughout the State and of all property owned, leased or operated by a gas company in connection with or to facilitate the conveying, transportation, distribution, or furnishing of gas for light, heat or power. PSL §§ 4(1), 5(1)(b), 65(1) and 66(1). Pursuant to its statutory mandate to ensure safe and adequate gas service, in 1952 the Commission adopted gas safety regulations, found primarily in 16 NYCRR Part 255, which have been amended from time to time to further ensure the safety of New York’s natural gas delivery system.

In 1968, the federal Natural Gas Pipeline Safety Act (the Act), 49 USC § 60101 et. seq., included within federal jurisdiction all intrastate pipelines for safety purposes. In 1999, the United States Department of Transportation (USDOT) has established minimum safety standards in 49 CFR §§ 192.801-192.809 that apply to “owners and operators of pipeline facilities” to meet obligations of 49 USC § 60102(a)(2)(A) and 49 USC § 60102(a)(2)(C). The USDOT’s Pipeline and Hazardous Materials Safety Administration (PHMSA), acting through its Office of Pipeline Safety, administers and enforces federal safety standards. A State may, however, pursuant to 49 USC § 60105, assume oversight and enforcement authority over intrastate pipeline facilities if the State submits a certification to USDOT/PHMSA that the State has adopted each applicable federal standard. A State that has submitted a current certification under § 60105(a)

must adopt PHMSA regulations but also may adopt additional or more stringent safety standards for intrastate pipeline facilities as long as the standards are compatible with the minimum federal standards. 49 USC § 60104(c). The New York State Department of Public Service is PHMSA’s agent for safety purposes.

Pursuant to this statutory obligation, the Commission is proposing to adopt stricter training and testing requirements for workers who design, install, and repair pipelines in New York. For instance, training workers on the same system on which workers will be performing repair and construction work will ensure the procedures for operating each system are followed. One gas company may have a low-pressure system and another may have a high-pressure system; therefore, different procedures for operating each system will exist. Similarly, “abnormal operating conditions” (AOC) can exhibit different properties depending on the mechanics of each pipeline system. Requiring that written test-takers answer all questions about abnormal operating conditions correctly to become operator qualified is necessary because any one incorrectly repaired AOC can cause catastrophic problems, such as that which occurred in Merrimack, Massachusetts in 2018. Relatedly, securely offering written tests avoids cheating on those tests. Finally, when on-site to perform work on a certain pipeline, updated and accurate credentials must be readily available given that sub-contractors often complete work for utilities.

Legislative Objectives:

The objective of the PSC’s empowering statute is to ensure the safe and adequate delivery of natural and other fuel gas. The proposed amendments to 16 NYCRR Part 255 achieves these objectives because the amendments require hands-on training and evaluation for workers who design, build, operate, and maintain pipelines. Further, Commission approval of Special Permits allows the industry flexibility in complying with safety standards because operators can implement comparable technological and service improvements that meet or exceed current standards when the new approach is made possible rather than having to wait for industry-wide changes to be adopted. The proposed regulatory changes are necessary because the health and safety of the public depends on properly-trained and qualified individuals who both understand the system on which they are working and are told when changes in operating procedures are made. The direct, practical, impact that the proposed amendments will have is to make the provision of gas services safer for everyone, including the on-site workers themselves.

Needs and Benefits:

The purpose of the proposed changes is to improve the safety of pipelines in New York by better training the workers who install those pipelines. Although PHMSA and the DPS have had in place Operator Qualification requirements for 20 years, the need to make the requirements more specifically tied to hands-on, practical, training and evaluation and to make them more comprehensive first became evident in 2014, during the DPS’s investigation of a major gas explosion in East Harlem, New York (which resulted in eight fatalities). Staff learned that the gas company worker who had completed the failed fuse involved in that incident had lapsed Operator Qualifications (Op Qual). Further investigation revealed that the Op Qual training and evaluation that had been provided to that and other workers had not included an important, and required, test that confirms that workers know how to successfully complete a plastic fusion when joining pipes (the “destructive test”). Then, in December 2016, a whistleblower alerted the DPS that a contractor for two large utilities had been distributing answer sheets to written Op Qual tests that are used to evaluate worker knowledge of gas systems and workers’ ability to identify abnormal operating conditions (AOCs), conditions that often warrant an emergency response. During subsequent re-digs of facilities constructed and repaired by workers who had taken written tests when the answer sheets were widely available, DPS observed and otherwise learned that more than 2,000 regulatory safety violations had occurred on newly constructed pipelines in New York. Further, pipeline operators need to make specific improvements in their Operator Qualification programs and need to require Op Qual with respect to construction tasks in addition to operations and maintenance tasks.

Proposed amendments to 16 NYCRR § 255.3 (Definitions) are made solely to define terms used in the proposed training and evaluation amendments. For instance, the term, “Span of Control,” refers to the “ratio of nonqualified to qualified individuals where the nonqualified individual may be directed and observed by a qualified individual when performing a covered task.” While operators will establish the span of control required for each of their covered tasks based upon the complexity of the task, operators must abide by the span of control they establish in their Operator Qualification program.

Finally, with respect to the proposed change that allows operators to apply for a “Special Permit” (16 NYCRR § 255.13), this would occur when the operator proposes an alternative way to implement existing safety rules. A Commission-approved “Special Permit” not only better describes the actual process when a regulatory requirement, as written, would not

adequately address a specific circumstance, it also maintains safety because any new approach to fulfilling a regulatory safety requirement must either meet or exceed the precise safety standard preserved in the regulations. A Special Permit will replace, perhaps only on a temporary basis, the regulation as written and must achieve the same measure of safety as the existing language in the regulation. PHMSA, from time to time, grants "Special Permits" in lieu of "waivers" for similar reasons. Operators would need to petition the Commission and justify Commission approval of a Special Permit, showing the alternative compliance proposal meets or exceeds existing safety requirements.

The practical impact of the proposed amendment to the requirement that gas companies establish a Mutual Aid Plan (whereby nearby operators assist during an emergency on one operator's system) is that everyone working on the system in an emergency is able to identify and correct abnormal operating conditions on the gas system when emergencies occur. The public will be made safer because better-trained pipeline operators will be assisting to correct operations during an emergency with assistance from other operators who have been similarly trained and qualified.

Costs:

Costs to Private Safety-Regulated Parties:

Operators have been required to Operator Qualify anyone who performs operations and maintenance tasks on pipeline facilities since 1999. The improvements in this rulemaking simply ensure that every person working on a pipeline is sufficiently qualified to complete each task they are assigned to do or are directly supervised by an individual who is fully qualified to complete that task. While the cost to train workers may go up somewhat, that may not necessarily occur because some operators may have adopted some or all of the proposed processes in the proposed rules since the Department held its 2017 Technical Conference or even before the 2017 Technical Conference.

The proposed requirements more specifically make sure operators do not take shortcuts and are able to readily confirm that a worker is fully qualified to complete the task at hand.

The revised rule will also align frequency of inspection for onshore service line atmospheric corrosion control monitoring to consistency with the revisions previously made for inside service line inspections in Case 15-G-0244. This is expected to result in a cost savings to the operators as these two inspections can be combined into one visit.

Costs to Local Government:

There are no anticipated added costs to local governments.

Costs to the Public Service Commission or the Department of Public Service:

Operators' documentation of worker training and testing will add to the annual auditing practices of the PSC and DPS, but to the extent that the confirmation will improve gas safety and may avoid gas incidents, it could reduce PSC compliance and enforcement costs.

Costs to Other State Agencies:

There are no known or identifiable costs to other State agencies or offices of State government.

Local Government Mandates:

None.

Paperwork:

Pipeline operators are already required to retain records for each worker who is trained and qualified; therefore, any increase to existing paperwork requirements would be limited. The only addition will be to include tasks that are newly deemed a "covered task." These would include tasks related to construction and some engineering functions. This record-keeping is necessary so that Company job-site inspectors, or DPS auditors on site, can confirm that the workers present have been evaluated and deemed qualified to work on the pipeline task they are completing. Which covered tasks require which training will be defined by each operator. The retention of records may be electronic, which will reduce paperwork while also allowing that records of Operator Qualified workers be kept.

Duplication:

There are no relevant State regulations that duplicate, overlap, or conflict with the proposed revisions.

Alternatives:

None. Pipeline operators have been managing Operator Qualification programs for more than 20 years and, over time, their oversight has weakened, allowing lapses in Op Qual credentials, failures to evaluate skill levels on every type of task completed, and an inability to confirm after-the-fact the extent to which a worker had been Operator Qualified when they completed a task.

Federal Standards:

The proposed Operator Qualification standards in the pending regulations are based upon Operator Qualification regulations PHMSA proposed in 2015. While PHMSA has not yet acted upon its proposal, it is possible PHMSA will adopt its own Op Qual rules for operators nationwide. If PHMSA does adopt its 2015 proposed rules, New York will be required to adopt them as well. States may, however, adopt rules that are more stringent than PHMSA's.

Compliance Schedule:

The proposed revisions would be effective upon publication of a Notice of Adoption filed in the New York State Register. Operators would be allowed six months to incorporate changes into their existing written OP Qual plans, nine months to implement those plans, and 12 months to train and qualify workers under the new plans.

Revised Regulatory Flexibility Analysis

1. Effect of rule: The proposed rule improves pipeline operators' training and testing of workers who complete any work that affects the integrity of a pipeline in New York State.

2. Compliance requirements: Any additional burden on industry is incremental to existing requirements to train their workers and keep records of that training and qualification process.

3. Professional services: There are no professional services that local governments will need to comply with the changes associated with this rule. Local Governments that operate gas systems and small pipeline operators may train their own workers as long as the operators do so within their identified span of control. Although written tests must be provided by a secure source, written tests are not required to be operator qualified.

4. Compliance costs: Costs to industry and local municipal gas companies will be minimal. If necessary, regulated gas companies can recover any added costs associated with the new training requirements in rates; recordkeeping of qualified workers is already required of operators, although the new recording requirements will be more complete.

5. Economic and technological feasibility: The proposed rule does not require any specialized technology for compliance.

6. Minimizing adverse impact: No adverse impacts exist.

7. Small business and local government participation: Small businesses and local governments are not affected by the rule changes. However, the PSC will comply with the New York State Administrative Procedure Act (SAPA) section 202-b (6) by accepting public comments to the Notice of Proposed Rulemaking and will be summarizing comments and responding to comments that are received.

8. Cure period: No cure period is included in the proposed rule. Gas Safety Section Staff at the Department of Public Service typically offers utilities a thirty (30) day cure period to correct deficiencies in biannual audit findings and prior to recommending the pursuit of any enforcement.

Revised Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: This rule applies to the entire State and impacts all rural areas of the State.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The proposed rule would require operators of all pipelines to develop and implement Operator Qualification training and testing programs for professionals in the industry who design, construct, alter, or repair pipelines. Pipeline operators will be required (although most, if not all, already do) provide hands-on training followed by practical evaluations that test individuals' skills, and operators will be required to keep records of their Operator Qualified workers. There are no additional burdens on industry to increase reporting requirements resulting from the proposed rule. Since the industry has traditionally conducted in-house training and testing of its employees and contractors, no professional assistance requirement to comply with these Operator Qualification programs elements is anticipated. A small number of towns in New York State operate their own municipal gas corporations and under the proposed rule would be required to make sure their workers are able to recognize abnormal operating conditions and can otherwise complete construction and repair tasks accurately and in compliance with safety regulations. Operators will also have to retain readily available documentation to show that workers have been properly trained and tested on the tasks they are completing; however, larger gas companies have already begun to offer assistance by making training and assessments readily available to smaller gas companies. The revised rule also aligns the frequency of inspection for onshore service line atmospheric corrosion control monitoring with the revisions previously made for inside service line inspections in Case 15-G-0244.

3. Costs: Costs to industry, municipalities, and unions relative to compliance with improvements to operator qualification programs are currently unknown. However, since the new requirements primarily refine record keeping (which can be electronic), communication of changes about company procedures, and ongoing worker knowledge, skills, and ability evaluations, all of which have already should have been part of operator qualification programs, the costs should not be significant. Potential offsets to minimize adverse impacts on small businesses could include adding such costs to utility operation and maintenance budgets to socialize them among utility ratepayers. Larger gas operators can join with smaller operators to train and test individuals for many of the tasks for which adequate training is necessary to keep pipeline systems safe. The alignment of inspection frequency between service line atmospheric corrosion control monitoring and inside service line inspections is expected to result in a cost savings to operators.

4. Minimizing adverse impact: No adverse impacts exist relative to the operator qualification training and testing requirements. In fact, the added safety of better trained and tested workers can save lives. No adverse impacts exist relative to the use of the term “special permit” to refer to alternative actions that might allow an LDC to deviate from the precise written rules upon a showing to the Commission that the alteration meets or exceeds existing safety language.

5. Rural area participation: The PSC will comply with the New York State Administrative Procedure Act (SAPA) section 202-bb(7) by assuring that public and private interests in rural areas have been given an opportunity to participate in the rule making process. This participation has already occurred in a 2017 Technical Conference to which all operators were invited.

Furthermore, the PSC will be accepting public comments to the Notice of Proposed Rulemaking and will be summarizing and responding to the comments that are received. The Secretary of the Public Service Commission will also be issuing a notice to stakeholder groups on a distribution list to apprise members of this rulemaking and to solicit comments.

Revised Job Impact Statement

1. Nature of impact: Compliance with the requirement that pipeline operators must train and assess the people who complete covered tasks on pipelines under the proposed operator qualification rules will not impact existing jobs except to better train workers. In fact, better training throughout the pipeline operator workforce will allow professional movement among the industry. Adding the requirement that workers be supervised by someone already operator qualified will ensure a better trained workforce for all pipeline operators. Better trained workers may help improve impacts to worker income.

2. Categories and numbers affected: All pipeline operators and contract workforce they hire to perform construction, operations and maintenance work, including rate-regulated and non-rate-regulated workers will receive more comprehensive training.

3. Regions of adverse impact: This proposed rulemaking will not have a disproportionate adverse impact on any specific area for jobs or employment opportunities in New York State.

4. Minimizing adverse impact: Operators are already required to hire properly qualified pipeline workers. No adverse impact is expected.

Assessment of Public Comment

- § 255.3(a)(10) – Definition of “Covered Task” – Commenters sought clarity on the scope and applicability and suggested alternative proposed language. Other commenters opposed the proposed language. Construction activities should be included within the definitions scope and applicability. Thus, proposed language was revised by removing “facility” and changing “operation” to “safety”.

- § 255.604 – A commenter opposed the proposed language due to its non-conformance with its federal equivalent. Proposed language was meant to be more prescriptive. Thus, no changes were proposed.

- § 255.604(a) – Commenters opposed including abnormal operating conditions as critical fail questions for qualifications. Other commenters stated that there’s no benefit to making abnormal operating conditions operator specific. Commenters suggested alternative proposed language which included high-risk abnormal operating conditions only. Proposed language was meant for operators to identify abnormal operating conditions and to treat these questions as critical fail. Thus, no changes were proposed.

- § 255.604(a)(2) – Commenters were opposed to mandating hands-on learning or simulations. Operators are responsible for qualifying and re-qualifying their employees. Thus, proposed language revised by adding “unless an effective alternative has been documented and justified.”

- § 255.604(a)(3) – Commenters stated that evaluations be performed using the equipment and procedures of the operator, sought specificity to the proposed language, and for operators to determine criteria when evaluations are required and for what equipment. Other commenters stated that the proposed language would discourage operators from exploring new technology. Intent of proposed language was to ensure that employees are qualified according to the equipment and procedures used by the operator. Thus, proposed language revised by adding a new paragraph for when unique evaluations are required and adding “performance” for specificity.

- § 255.604(a)(3)(ii) – Commenters stated that it’s not clear the benefit of delaying written evaluations. Other commenters were supportive of the delay in that it would address the short-term memory aspects. Also, “performance” should be removed to avoid limiting the delay for specific types of evaluations. Delaying written evaluations aides in ensuring knowledge retention. Proposed language was revised by removing “performance” as a stipulation for evaluations.

- § 255.604(a)(3)(iii) – A commenter stated that this requirement could hamper using computer-based training as an evaluation tool. Due to recent security concerns within New York, proposed language intent is to ensure the security of written tests while making no judgement as to whether the test is written, or computer based. Thus, no changes were proposed.

- § 255.604(a)(3)(iv) – Commenters were concerned that automatic failure would be given if a question regarding abnormal operating conditions was answered incorrectly. Proposed language was intended to include abnormal operating conditions as critical fail questions due to their potential impact. The proposed language was, however, revised by changing “written test” with “evaluation”, and relocating the clause “incorrectly”.

- § 255.604(a)(3)(v) – Commenters were concerned with an evaluators ability to perform a covered task. Proposed language intent was to ensure the evaluators ability and not confuse those responsibilities with that of inspectors. Proposed language was revised by changing “to complete an individual’s competency” to “as an evaluation method”.

- § 255.604(a)(5) – A commenter was concerned that this language would be too onerous to comply. Proposed language was meant for operators or those working on their system, to be operator qualified. Thus, no changes were proposed.

- § 255.604(a)(6 and 7) – Commenters were mostly in agreement on the intent of the proposed language. However, concern was raised regarding the conflicting nature of the requirements. Proposed language intent was to draw a distinction between an individual’s performance and other reasons, not performance related, that could lead an operator to question the qualifications. Proposed language was revised by removing “any” as a condition due to it being broad.

- § 255.604(a)(8) – Commenters were mostly in agreement on the intent of the proposed language. However, concern was raised regarding the requalification of individuals based on significant changes. Proposed language intent was to inform the individual performing the covered task that the task has or will be changing, whether the change is significant which requires requalification, and documenting that the individuals have been made aware and are versed in the change. Thus, proposed language revised by adding “in procedures, specifications, tools, materials of construction and technology” and “the operator shall determine what supplement training is required for individuals when such significant changes affect the covered task.”

- § 255.604(a)(10) – Commenters stated that training be required as appropriate. This would prohibit such tasks, such as painting, from requiring training. Proposed language intent was meant to require training for all covered tasks, especially initial qualifications. Should an operator determine that painting is a covered task, training would be required. Thus, no changes were proposed.

- § 255.604(a)(11) – Commenter’s sought clarity on supplemental training and when it applied. Proposed language intent was meant to allow operators to determine when supplemental training is required. Thus, proposed language revised by adding “significant changes are made to”.

- § 255.604(a)(13) – Commenter’s sought to include clarity, flexibility, and additional safeguards required for emergency situations. Operators should proactively address mutual aid situations, and how mutual aid responders will be qualified. Thus, proposed language revised by adding “the operator may petition the Commission to accept the qualifications of mutual aid responder’s program.”

- § 255.604(a)(14) – A commenter stated that the condition listed is subjective and cannot be measured with any quantifiable means. Proposed language intentionally left vague to provide the operator with the flexibility to define its own key performance indicators. Thus, no changes were proposed.

- § 255.604(a)(15 and 16) – Commenters stated that engineering tasks should not be included in the operator qualification program due to the tasks performed requiring different skill sets and competencies. Proposed language intent was not to include all engineering tasks, just those tasks deemed appropriate by the operator. Thus, proposed language revised by adding new subdivision for engineering tasks which states, “operator shall determine engineering tasks specific to the design, construction, operation, and integrity of pipelines that contain elevated risk” and changed the section title to “Qualification of Pipeline Personnel”.

- § 255.604(b)(1)(vii) – Commenters were concerned with record retention, portability of records for an individual, and the current negotiated contracts with contractors. Proposed language intent was for the requirement to be implemented on a going forward basis and the specific types of records, such as affidavits or attestations, provided the individual has demonstrated the knowledge, skill, and ability that would result from completion of such training as defined by an operator’s procedure. Also, incremental cost recovery mechanisms should be addressed in rate proceedings. Thus, no changes were proposed.

- § 255.604(b)(2)(i) – Commenters expressed their concern with the potential cost impacts and administrative burden with documenting work completed by non-qualified individuals while being directed and observed by a qualified individual. Also, various record types, some simpler than others, can be used. Operators are responsible for the qualification records of an individual performing a covered task. Thus, proposed language revised by deleting specific documentation used to verify on-the-job training.

- § 255.604(b)(4) – Commenters, again, expressed their concern with the potential cost impacts. Incremental cost recovery mechanisms should be addressed in rate proceedings. Thus, no changes were proposed.
- § 255.604(c), and § 255.604(c)(4)(i) – Commenters stated that the program implementation, qualification, and requalification dates need to be addressed given the delay with the operator qualification hard rulemaking. Dates have been addressed, respectively, and additional time provided given the noted operator constraints.
- § 255.604(c)(4)(iii) – A commenter sought clarity on language similarity between various clauses. Clauses differ in that those who are not qualified, those who are not being directly observed by a qualified individual, span of control not being followed, and identification of span of control being incorrect. Each clause is unique to the operator qualification process. Thus, no changes were proposed.
- § 255.604(c)(4)(iii)(a) – Commenters were concerned with the implication that real-time analysis was required. Proposed language intent was for review of deficiencies in conjunction with the bi-annual program effectiveness review. Thus, no changes were proposed.
- § 255.604(c)(vii) – Commenters were concerned with the implication that evaluators are required to be qualified. As proposed, the language requires the operator to determine the criteria for selecting, training, and qualifying evaluators. Proposed language revised to include a definition for “evaluator”.
- § 255.604(c)(i through viii) – Commenters stated that numbering and styles were not consistent with NYCRR standards. Proposed language revised by updating the formatting, to § 255.604(c)(1 through 8), for consistency with the NYCRR Numbering and Cross Reference Styles.
- § 255.604(c)(3), and § 255.604(c)(3)(i through ii) – Commenters stated that numbering and styles were not consistent with NYCRR standards. Proposed language revised by updating the formatting, to § 255.604(d), and § 255.604(d)(1 through 2), for consistency with the NYCRR Numbering and Cross Reference Styles.
- § 255.604(c)(4), § 255.604(c)(4)(i through ii), § 255.604(c)(4)(ii)(a through b), § 255.604(c)(4)(iii), § 255.604(c)(4)(iii)(a), and § 255.604(c)(4)(iii)(a)(1 through 13) – Commenters stated that numbering and styles were not consistent with NYCRR standards. Proposed language revised by updating the formatting, to § 255.604(e), § 255.604(e)(1 through 2), § 255.604(e)(2)(i through ii), § 255.604(e)(3), § 255.604(e)(3)(i), and § 255.604(e)(3)(i)(a through m), for consistency with the NYCRR Numbering and Cross Reference Styles.
(19-G-0736SP2)

Assessment of Public Comment

The agency received no public comment.

Office of Temporary and Disability Assistance

NOTICE OF ADOPTION

Camp Fees

I.D. No. TDA-26-21-00014-A

Filing No. 1087

Filing Date: 2021-10-15

Effective Date: 2021-11-03

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

Action taken: Amendment of section 352.7(i) of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 131(1), (3), 131-a(5)(d); L. 2021, ch. 126, section 3

Subject: Camp fees.

Purpose: To conform state regulations to statutory requirements 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.

Text or summary was published in the June 30, 2021 issue of the Register, I.D. No. TDA-26-21-00014-EP.

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

Text of rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., New York State Office of Temporary and Disability Assistance, 40 North Pearl Street, 16C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

Initial Review of Rule

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

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

Power Authority of the State of New York

PAS-44-21-00016-P Rates for the Sale of Power and Energy

Video Conference—December 9, 2021, 11:00 a.m.

Public Service Commission

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

Teleconference—November 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.

PSC-44-21-00012-P Disposition of a New York State Tax Refund

Teleconference—January 4, 2022, 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
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AGRICULTURE AND MARKETS, DEPARTMENT OF

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

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

*ASA-28-20-00013-RP	10/22/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
*ASA-28-20-00016-RP	10/22/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation
ASA-27-21-00009-P	07/07/22	General provisions applicable to all OASAS programs	To identify those provisions that are required of all OASAS certified, funded or otherwise authorized programs
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.
ASA-43-21-00001-P	10/27/22	This part establishes standards for the reimbursement and participation in the Medical Assistance Program	Update language and conform to current State Plan Amendment

Action Pending Index

NYS Register/November 3, 2021

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
CVS-44-21-00003-P	11/03/22	Jurisdictional Classification	To delete a position and to classify a position in the exempt class and to classify a position in the non-competitive class
CVS-44-21-00004-P	11/03/22	Jurisdictional Classification	To classify a position in the exempt class.
CVS-44-21-00005-P	11/03/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-21-00006-P	11/03/22	Jurisdictional Classification	To delete a position in the exempt class.
CVS-44-21-00007-P	11/03/22	Jurisdictional Classification	To 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
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
EDV-44-21-00001-P	11/03/22	Music and Theatrical Tax Credit program	Update regulations to include a third party verification process for application
EDUCATION DEPARTMENT			
*EDU-20-20-00008-ERP	02/14/22	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-08-21-00002-RP	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-39-21-00001-EP	09/29/22	Technical amendments relating to the School Safety and Educational Climate (SSEC) reporting system.	To make technical corrections rrelating 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.
EDU-44-21-00008-EP	11/03/22	Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer COVID-19 Immunizations	To ensure greater access to immunizations against COVID-19, as permitted by Education Law § 6909.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-44-21-00009-P	11/03/22	Removing face-to-face instruction requirement for the Dignity For All Students Act (DASA) Training.	To remove the face-to-face instruction requirement for DASA training.
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
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-16-21-00012-P	04/21/22	Regulations governing whelk management	To protect immature whelk from harvest and establish gear and reporting rules for marine resource protection and public safety
ENV-19-21-00001-P	07/20/22	Set monitoring, operational and reporting requirements for the oil and natural gas sector	Reduce emissions of methane and volatile organic compounds from the oil and natural gas sector
ENV-22-21-00001-EP	06/02/22	Peekamoose Valley Riparian Corridor	Protect public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor
ENV-24-21-00008-P	08/17/22	Petroleum Bulk Storage (PBS)	To amend the PBS regulations, 6 NYCRR Part 613
ENV-24-21-00009-P	08/17/22	Chemical Bulk Storage (CBS)	To repeal existing 6 NYCRR Parts 596, 598, 599 and replace with new Part 598; and amend existing Part 597; for the CBS program
ENV-26-21-00003-P	09/08/22	Product Stewardship and Product Labeling	Expand, strengthen and clarify existing regulations to establish consistency with federal and state requirements
ENV-31-21-00001-EP	08/04/22	Zoar Valley Multiple Use Area including Zoar Valley Unique Area and Onondaga Escarpment Unique Area	To protect public health, safety, general welfare and natural resources on the Zoar Valley MUA/UA and the Onondaga Escarpment UA
ENV-33-21-00004-P	08/18/22	Amendments to permit requirements for trapping fisher and marten in New York State.	To remove the requirement for a special fisher trapping permit, and to simplify marten trapping requirements.
ENV-36-21-00003-P	11/15/22	Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Reduction	Implementation of the expanded polystyrene foam container and loose fill packaging ban in ECL Art. 27, Title 30
ENV-36-21-00004-P	11/09/22	Medium- and heavy-duty (MHD) zero emission truck annual sales requirements and large entity reporting	Annual zero emission MHD truck sales requirements for model years 2025-2035. Report MHD volumes, operations, and locations
ENV-37-21-00004-P	09/15/22	Deer Hunting	This rulemaking will allow counties to annually, by county law, "opt-out" of the late bow and/or muzzleloader deer seasons

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-43-21-00010-P	10/27/22	Sunfish and crappie fishing regulations	To revise sunfish and crappie fishing regulations
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-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
DFS-44-21-00015-P	11/03/22	Compliance With Community Reinvestment Act Requirements	To provide new rules concerning data collection on extension of credit to women-owned and minority-owned businesses.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-45-20-00002-RP	11/10/21	Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
HLT-05-21-00011-P	02/03/22	Ingredient Disclosures for Vapor Products and E-Cigarettes	To provide for enhanced public awareness of the chemicals used in vapor products and electronic cigarettes
HLT-19-21-00002-EP	05/12/22	Meeting Space in Transitional Adult Homes	Establish criteria for suitable meeting space to ensure privacy in conversations and submit a compliance plan to the Department
HLT-22-21-00003-P	06/02/22	Reducing Biannual Testing of Adult Care Facility Staff	To remove the requirement for biannual testing of adult care workers
HLT-22-21-00004-P	06/02/22	Hospice Residence Rates	To authorize Medicaid rate of payment to increase the Hospice Residence reimbursement rates by 10 percent
HLT-22-21-00005-P	06/02/22	Stroke Services	Amend transition period for existing stroke centers to allow the Dept. to extend the three year transition period, if necessary
HLT-22-21-00009-P	06/02/22	Managed Care Organizations (MCOs)	To maintain the contingent reserve requirement at 7.25% through 2022 applied to Medicaid Managed Care, HIV SNP & HARP programs
HLT-22-21-00010-P	06/02/22	Labeling Requirements Concerning Vent-Free Gas Space Heating Appliances	To adjust the current labeling requirements for unvented gas space heating appliances
HLT-28-21-00018-P	07/14/22	Public Water Systems	To correct typographic & minor technical errors to obtain primacy for the implementation of federal drinking water regulations
HLT-32-21-00001-P	08/11/22	Abortion Services	To protect and promote the health of New Yorkers seeking to access abortion services
HUMAN RIGHTS, DIVISION OF			
HRT-15-21-00005-P	04/14/22	Notice of tenants' rights to reasonable modifications and accommodations for persons with disabilities	To comply with the requirements of Executive Law section 170-d
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)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LABOR, DEPARTMENT OF			
LAB-39-21-00016-P	11/10/22	Minimum Wage for Farmworkers	To comply with Sections 652 and 673 of the Labor Law, by adopting minimum wage increases for farmworkers
LIQUOR AUTHORITY, STATE			
LQR-36-21-00002-P	11/10/22	Commencement of administrative disciplinary proceedings via electronic means	To modernize outdated administrative disciplinary procedures to provide for service of pleadings via electronic means
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
*LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
LPA-38-21-00010-P	..... exempt	A Customer Benefit Contribution (CBC) Charge for new mass market net metering customers.	To ensure adequate contribution to LIPA's customer benefits programs.
LPA-38-21-00011-P	..... exempt	Conform Long Island Choice program rules and requirements with final DPS recommendations from collaborative proceeding.	To conform with Statewide retail choice policy and eliminate program inefficiencies.
LPA-38-21-00012-P	..... exempt	Miscellaneous clean-up of Tariff for Electric Service.	To clarify potential ambiguity and make other minor Tariff updates.
LPA-38-21-00013-P	..... exempt	Daily service charges during prolonged outages.	To conform with statewide policy.
LPA-39-21-00014-P	..... 11/29/22	Access to records and fees collected under the Freedom of Information Law.	To make necessary technical updates and to conform with FOIL regarding collection of fees.
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
OMH-43-21-00002-EP	..... 10/27/22	COVID-19 Vaccination Program	To implement a COVID-19 vaccination program in OMH Operated or Licensed Hospitals
METROPOLITAN TRANSPORTATION AGENCY			
MTA-16-21-00004-EP	..... 04/21/22	Requiring mask wearing when using the facilities and conveyances of the MTA and its operating affiliates and subsidiaries	To safeguard the public health and safety by adding a new all-agency rule requiring the use of masks in facilities and conveyances
MOTOR VEHICLES, DEPARTMENT OF			
MTV-43-21-00004-P	..... 10/27/22	Motor Vehicle Accident Prevention Course by Internet or other Technologies (Alternate Delivery Methods)	Conforms regulation with statute
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
PDD-43-21-00003-EP	10/27/22	COVID-19 vaccines	To require vaccinations in certain OPWDD settings
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-44-21-00016-P	exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

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PUBLIC SERVICE COMMISSION			
*PSC-41-03-00011-P exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates

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PUBLIC SERVICE COMMISSION			
*PSC-35-04-00017-P exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established

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PUBLIC SERVICE COMMISSION			
*PSC-07-06-00009-P exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation

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PUBLIC SERVICE COMMISSION			
*PSC-20-07-00016-P exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition

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PUBLIC SERVICE COMMISSION			
*PSC-13-08-00012-P exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower

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PUBLIC SERVICE COMMISSION			
*PSC-48-08-00005-P exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm

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PUBLIC SERVICE COMMISSION			
*PSC-07-09-00018-P exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York

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PUBLIC SERVICE COMMISSION			
*PSC-43-10-00016-P exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspirtly for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers.
PSC-01-21-00006-P	..... exempt	A debt financing arrangement with respect to an electric transmission line under development.	To review the proposed financing and consider whether it is within the public interest.
PSC-02-21-00006-P	..... exempt	Disposition of a sales tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-03-21-00006-P	..... exempt	Comprehensive study to identify distribution and transmission investments in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the State's climate goals.
PSC-04-21-00016-P	..... exempt	Request for a waiver.	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement.
PSC-05-21-00005-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 100 MW electric generating facility.
PSC-06-21-00009-P	..... exempt	Disposition of a property tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-07-21-00007-P	..... exempt	Conditioned pre-approval of stock transactions of regulated entities.	To consider allowing stock transactions within statutory parameters without Commission approval for individual transactions.
PSC-09-21-00002-P	..... exempt	Gas moratorium procedures	To consider procedures and criteria to minimize customer hardships in the unlikely event of a future gas moratorium
PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00006-P	..... exempt	Long-term gas system planning.	To consider a process to review gas distribution utilities' long-term system planning.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-13-21-00023-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-RP	..... 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-15-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime.
PSC-16-21-00006-P	..... exempt	The appropriate level of community credit capacity for distributed energy generation projects in the territory.	Consideration of an increase in the community credit capacity for distributed generation projects in the territory.
PSC-16-21-00007-P	..... exempt	Accounting-related rules for utilities implementing the Integrated Energy Data Resource.	To consider cost recovery of capital expenditures and budget allocations of costs between affiliated companies.
PSC-17-21-00005-P	..... exempt	Submetering equipment.	To consider use of submetering equipment and if it is in the public interest.
PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation.	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation.
PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities.	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities.
PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs.	To modify and improve Community Choice Aggregation programs in New York State.
PSC-18-21-00005-P	..... exempt	Proposed transfer of the Company's capital stock to the Purchaser.	To determine if transfer of the Company's capital stock to the Purchaser is in the public interest.
PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products.	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products.
PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits.	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers.
PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG).	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program.
PSC-19-21-00009-P	..... exempt	Major electric rate filing.	To consider an increase in O&R's electric delivery revenues.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-19-21-00012-P	..... exempt	Major gas rate filing.	To consider an increase in O&R's gas delivery revenues.
PSC-19-21-00013-P	..... exempt	The proposed transfer of ownership interests and debt financing arrangement related to certain electric generating facilities.	To determine whether the proposed transfer of ownership interests and financing arrangement are in the public interest.
PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility.	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest.
PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-21-21-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00016-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00017-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-21-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-22-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 7.6 mile, 13 kV AC electric cable.
PSC-22-21-00008-P	..... exempt	Cost allocation for project(s) to meet a Public Policy Transmission Need/Public Policy Requirement.	To address the cost allocation methodology for use by the New York Independent System Operator, Inc. (NYISO).
PSC-23-21-00002-P	..... exempt	Waiver for allocation of natural gas to commercial and industrial economic development customers.	To provide commercial and industrial economic development customers access to natural gas.
PSC-23-21-00003-P	..... exempt	Petitions for rehearing of the Order Adopting a Data Access Framework and Establishing Further Process.	To consider modifications and/or clarifications to the Order Adopting a Data Access Framework and Establishing Further Process.
PSC-23-21-00004-P	..... exempt	Establishing an alternative recovery mechanism for certain types of fees.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-25-21-00005-P	..... exempt	Transfer of Penelec assets and franchise rights.	To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest.
PSC-25-21-00008-P	..... exempt	NYSERDA and National Grid's proposed Expanded Solar For All Program for low-income customers.	To consider the authorization and appropriate design of an opt-out community solar program for low-income customers.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-26-21-00007-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-26-21-00010-P	..... exempt	Proposed acquisition of all shares of common stock of Corning Natural Gas Holding Corporation by ACP Crotona Corp.	To consider whether the acquisition of all shares of common stock of CNGH by ACP Crotona Corp. is in the public interest.
PSC-26-21-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-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-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-28-21-00015-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-29-21-00004-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-29-21-00009-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-30-21-00006-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-30-21-00009-P	..... exempt	Submetering of electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-31-21-00008-P	..... exempt	Issuance of securities and other forms of indebtedness.	To consider Central Hudson's request to issue and sell unsecured debt obligations
PSC-31-21-00009-P	..... exempt	Waiver of certain rules, i.e., cable television advisory committee, public notice of request for proposals.	To determine whether to waive any rules and regulations.
PSC-31-21-00010-P	..... exempt	Establishment of the regulatory regime applicable to a solar electric generating facility and energy storage.	To ensure appropriate regulation of a new electric corporation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-31-21-00011-P	..... exempt	Establishment of the regulatory regime applicable to a solar electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers.	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers.
PSC-32-21-00003-P	..... exempt	Exemptions from utility standby rates for certain designated or environmentally advantageous technologies.	To harmonize standby rate exemptions statewide.
PSC-33-21-00006-P	..... exempt	Proposed rate increase.	To ensure safe and adequate service at just and reasonable rates.
PSC-33-21-00007-P	..... exempt	Acquisition of cable television facilities and franchises of two municipalities.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest.
PSC-33-21-00008-P	..... exempt	Establishment of a Tapping and Connection Fee.	To consider whether the proposed fees are in the public interest.
PSC-33-21-00009-P	..... exempt	Banking of credits and switching between Community Distributed Generation and Remote Crediting projects.	To ensure just and reasonable rates charged to customers.
PSC-34-21-00004-P	..... exempt	CDG subscriber eligibility requirements.	To consider modifications to the CDG program eligibility requirements for certain Standby Service customers.
PSC-34-21-00005-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-21-00006-P	..... exempt	Staff recommendations to address the financial impacts of the COVID-19 pandemic.	To consider measures to provide relief to those financially impacted by the COVID-19 pandemic.
PSC-34-21-00007-P	..... exempt	Authorization to extend the maturity date of certain short-term indebtedness and total debt.	To consider the request for authorization to enter into indebtedness.
PSC-34-21-00008-P	..... exempt	Issuance of securities and other forms of indebtedness.	To consider the Con Edison's request to issue and sell unsecured debt obligations.
PSC-34-21-00009-P	..... exempt	Authorization to continue the PRIME-WNY.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-34-21-00010-P	..... exempt	Clean Energy Standard Programs.	Continued implementation of the Clean Energy Standard and the Zero Energy Credit Requirements Programs.
PSC-35-21-00002-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-21-00003-P	..... exempt	PSC regulations 16 NYCRR 86.3(a)(2); 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-35-21-00004-P	..... exempt	Major gas rate filing.	To consider a proposed increase in Conring's gas delivery revenues of approximately \$5.8 million (20.4% in total revenues).
PSC-35-21-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-35-21-00006-P	..... exempt	Proposed rate increase.	To ensure safe and adequate service at just and reasonable rates.
PSC-35-21-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-21-00008-P	..... exempt	Tariff filing to allow eligible CHP Customers to provide export support to their other service connections.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators in New York State.
PSC-36-21-00005-P	..... exempt	Transfer of real property.	To determine whether to authorize the transfer of real property and the proper accounting for the transaction.
PSC-36-21-00006-P	..... exempt	The Westchester Power Program.	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program.
PSC-36-21-00007-P	..... exempt	Pension settlement payout losses incurred in 2020.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2020.
PSC-36-21-00008-P	..... exempt	Transfer of real property.	To determine whether to authorize the transfer of real property and the proper accounting for the transaction.
PSC-36-21-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-37-21-00007-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-37-21-00008-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-37-21-00009-P	..... exempt	Procedures necessary to implement Tax Law Section 187-q.	To establish procedures by which eligible utility-taxpayers can have the amounts of certain waived customer arrears certified.
PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems.	To consider modifications to the Clean Energy Standard.
PSC-37-21-00011-P	..... exempt	Green Button Connect implementation.	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers.
PSC-37-21-00013-P	..... exempt	Tariff revisions to SUEZ Water New York Inc.'s tariff P.S.C. No. 2 - Water.	To consider whether proposed tariff revisions are in the public interest.
PSC-37-21-00014-P	..... exempt	Consideration of Time Warner Cable Information Services (New York)'s Revised Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addressed and implemented.
PSC-37-21-00015-P	..... exempt	Rehearing and/or reconsideration of the Commission's determination related to ITIA's non-pipe alternative project.	To determine whether the Commission made an error of fact related to ITIA's non-pipe alternative project.
PSC-37-21-00016-P	..... exempt	Customer Consent to Contact.	To include a new provision establishing customer consent for the utilities to contact them electronically about utility service.
PSC-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-38-21-00007-P	..... exempt	Electric metering equipment.	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-39-21-00005-P	..... exempt	Establishment of the regulatory regime applicable to a electric transmission facility.	To ensure appropriate regulation of a new electric corporation.
PSC-39-21-00006-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification.	To facilitate secure customer data exchanges between the utility or provider and energy service entities.
PSC-40-21-00017-P	..... exempt	The Commission's Order Adopting Utility Energy Registry Modifications	To determine if the Commission committed errors of law or fact in its Order, or if new facts warrant a different result.
PSC-40-21-00018-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-40-21-00020-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.
PSC-43-21-00007-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates.
PSC-43-21-00008-P	..... exempt	Incremental demand side management programs.	To consider proposed demand side management programs and cost recovery.
PSC-44-21-00010-P	..... exempt	Petition to enter a long term loan agreement and to institute a surcharge for recovery.	To determine if the issuance of long term debt and a surcharge mechanism for recovery is in the public interest.
PSC-44-21-00011-P	..... exempt	The amount electric, gas, and steam corporations can charge for security deposits, and the acceptable forms of payment.	To establish security deposit requirements.
PSC-44-21-00012-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-44-21-00013-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-44-21-00014-P	..... exempt	Development of distribution and local transmission in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the the State's climate goals.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
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.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
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
TDA-43-21-00006-EP	10/27/22	Public Assistance (PA) eligibility interviews by phone or other digital means at PA applicant's or recipient's request	See attached addendum
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-28-21-00008-P	07/14/22	DME Fee Schedule	To correct codes and update DME fee schedule
WCB-28-21-00009-P	07/14/22	Telehealth	Provides the option for telehealth visits in some circumstances

Action Pending Index**NYS Register/November 3, 2021**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
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

AG Direct Lending Fund (MM), L.P.
c/o Angelo, Gordon & Co., L.P. 245 Park Ave., New York, NY 10167
Partnership — AG Direct Lending Fund (MM) GP, LLC

AG Irish Income Residential Fund, L.P.
c/o Angelo, Gordon & Co., L.P. 245 Park Ave., New York, NY 10167
Partnership — AG IIR Realty LLC

Apollo Debt Solutions BDC
Nine W. 57th St., New York, NY 10019
State or country in which incorporated — Delaware

Axlehire, Inc.
2340 Powell St., #330, Emeryville, CA 94608
State or country in which incorporated — Delaware

Dalmore Group LLC, The
525 Green Place, Woodmere, NY 11598
State or country in which incorporated — New York

Entera Holdings Inc.
447 Broadway, 2nd Fl., #361, New York, NY 10013
State or country in which incorporated — Delaware

Extreme Biotech Inc.
372 S. Eagle Rd., Suite 107, Eagle, ID 83616
State or country in which incorporated — Nevada

Gauge Automotive Inc.
325 E. 900 S, Salt Lake City, UT 84111
State or country in which incorporated — Delaware

Investment Managers Series Trust
235 W. Galena St., Milwaukee, WI 53212
State or country in which incorporated — Delaware

Investment Managers Series Trust II
235 W. Galena St., Milwaukee, WI 53212
State or country in which incorporated — Delaware

LaSalle Investment Management Distributors, LLC
333 W. Wacker Dr., Suite 2300, Chicago, IL 60606
State or country in which incorporated — Delaware

Mars Westwood, LLC
7341 Beranger Dr., Irving, TX 75063
State or country in which incorporated — Texas

MRM Industrial Partners, LLC
3754 Wasatch Ave., Los Angeles, CA 90006
State or country in which incorporated — Texas

Pegasus Coinvestors LP
3843 West Chester Pike, Newtown Square, PA 19073
Partnership — Pegasus Coinvestors GP LLC

Rare Element Resources Ltd.
P.O. Box 271049, Littleton, CO 80127
State or country in which incorporated — Canada

SO Friends Holdco, LLC
11 Brooks Avenue Unit B, Venice, CA 90291
State or country in which incorporated — California

ThinkEquity LLC
17 State St., 22nd Fl., New York, NY 10004
State or country in which incorporated — Delaware

Thirdline Real Estate Income Fund
1310 Roseneath Rd., Suite 200, Richmond, VA 23230
State or country in which incorporated — Delaware

Vetnos LLC
135 E. 57th St., New York, NY 10022

Wasatch Funds Trust
505 Wakara Way, 3rd Fl., Salt Lake City, UT 84108
State or country in which incorporated — Massachusetts

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REHABILITATE KITCHEN FLOOR

Green Haven Correctional Facility
Stormville, Dutchess County

Sealed bids for Project Nos. M3097-C, M3097-H, M3097-P and M3097-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Rehabilitate Kitchen Floor, Building 3, 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 17, 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 \$23,300 for C, \$2,400 for H, \$20,600 for P, and \$1,800 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C, between \$25,000 and \$50,000 for H, between \$250,000 and \$500,000 for P, and between \$0 and \$25,000 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 421 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. and at 1:00 p.m. on November 3, 2021 at 594 Rte. 216, Stormville, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Shannon Landolfa, (845) 431-5935 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Plumbing. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

By OGS - Design & Construction Group

PROVIDE
SUB-HEADQUARTERS BUILDING
East Fishkill, Dutchess County

Sealed bids for Project Nos. 45552-C, 45552-H, 45552-P and 45552-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Sub-Headquarters Building, East Fishkill, 205 Lime Kiln Rd. (Off I-84 Exit 15), East Fishkill (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 Transportation, until 2:00 p.m. on Wednesday, November 17, 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 \$269,200 for C, \$39,800 for H, \$27,600 for P, and \$54,600 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$10,000,000 and \$11,000,000 for C, between \$1,000,000 and \$2,000,000 for H, between \$500,000 and \$1,000,000 for P, and between \$1,000,000 and \$2,000,000 for E.

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

comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

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 707 days after the Agreement is approved by the Comptroller.

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

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

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 6% for the C trade contractor, 6% for the E trade contractor, 6% for the H trade contractor, and 6% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group

**REPLACE
SIDEWALK/SIGNAGE
Rockland Psychiatric Center
Orangeburg, Rockland County**

Sealed bids for Project No. 47003-C, comprising a contract for Construction Work, Replace Sidewalk and Signage, Buildings 17, 57, 58 And 60, Rockland Psychiatric Center, 140 Old Orangeburg Road, Orangeburg (Rockland County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, November 17, 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 \$22,800 for C).

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

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

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 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 241 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 20% for MWBE participation, 10% for Minority-Owned Business Enterprises (“MBE”) participation and 10% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 6% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

By OGS - Design & Construction Group

**REPAIR/MAINTAIN
MASONRY
Various OGS Facilities
Albany, Albany County**

Sealed bids for Project No. 47068-C, comprising a contract for Construction Work, Masonry Repairs and Maintenance, Various OGS Facilities, Albany (Albany County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, November 17th, 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 \$125,000 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$5,000,000 and \$6,000,000 for C.

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

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

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

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

The substantial completion date for this project is 1,095 days after the Agreement is approved by the Comptroller.

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

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

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders

are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 3% for the C trade contractor, 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

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

NOTICE OF PUBLIC HEARING

City of Buffalo and Buffalo Water Board

Pursuant to New York State Public Authorities Law section 1048-i(4), the City of Buffalo and the Buffalo Water Board hereby give notice of a public hearing:

Time and Date: 2:00 p.m., Monday, December 6, 2021

Place/Contact: Colonel Ward Water Treatment Plant (Main Office), Foot of Porter Avenue, Buffalo, New York, and the public may participate in the hearing by computer access by "MS Teams" computer link:

City of Buffalo and Buffalo Water Board Public Hearing Link, or by Toll Free Conference Call with Conference Code ID: +1 213-336-0326,,752530237#. The Colonel Ward Water Treatment Plant Main Office has free parking on site and is accessible for disabled persons. Please check the Buffalo Water website (www.Buffalowater.org) for further instructions or for any changes to the date, location and time of the public hearing or for instructions to access the public hearing, and for updated information.

Purpose: A joint hearing will be held by the City of Buffalo and the Buffalo Water Board for the purpose of soliciting public comment from all persons who use the Buffalo Water System concerning the proposed amendment to Appendix A of the Financing Agreement by and among the City of Buffalo, the Buffalo Municipal Water Finance Authority and the Buffalo Water Board concerning the Buffalo Water Board's six year capital improvement program, to be financed by bonds to be issued by the Buffalo Municipal Water Finance Authority. A copy of the proposed amendment is available for public inspection at the office of the Clerk of the City of Buffalo at 1308 City Hall, Buffalo, New York 14202 (716) 851-5431, and the Buffalo Water Board at 602 City Hall, Buffalo, New York 14202.

For further information, contact: Buffalo Water Board and City of Buffalo, Peter J. Merlo, P.E., City of Buffalo, Principal Engineer, and Secretary of the Buffalo Water Board, 602 City Hall, Buffalo, NY 14202, (716) 851-9626, pmerlo@city-buffalo.com

NOTICE OF PUBLIC HEARING

Susquehanna River Basin Commission

SUMMARY: The Susquehanna River Basin Commission published a document in the Federal Register of October 14, 2021 concerning projects to be presented for comment at a public hearing. A project was omitted from the document. The following project should replace the document under the heading of Commission-Initiated Project Approval Modifications.

DATES: The public hearing will convene on November 4, 2021, at 6:30 p.m. The public hearing will end at 9:00 p.m. or at the conclusion of public testimony, whichever is earlier. The deadline for the submission of written comments is November 15, 2021.

ADDRESSES: This hearing will be held by telephone conference rather than at a physical location. Conference Call # 1-877-668-4493 (Toll-Free number) / Access code: 177 163 3585.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423 or joyler@srbc.net

Information concerning the applications for the projects is available at the Commission's Water Application and Approval Viewer at <https://www.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

CORRECTION

Commission-Initiated Project Approval Modification:

1. Project Sponsor and Facility: Elkview Country Club, Greenfield and Fell Townships, Lackawanna County, Pa. Conforming the grandfathering amount with the forthcoming determination for a surface water withdrawal up to 0.144 mgd (30-day average) from Crystal Lake (Docket No. 20021002).

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be the subject of a public hearing. Given the telephonic nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.net prior to the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing via telephone will begin at 6:15 p.m. Guidelines for the public hearing are posted on the Commission's website, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be the subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <https://www.srbc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before November 15, 2021, to be considered.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 18, 2021
 Jason E. Oyler
 General Counsel and Secretary to the Commission

PUBLIC NOTICE

Power Authority of the State of New York
 Westchester County Governmental Customers
 Cost of Service and Rates Adjustment

Pursuant to the Authority's Policy and Procedures concerning Public Forums on Rate Proposals, the Authority will conduct a Public Forum, via video conference, to obtain the views of interested persons on a proposed increase in the Fixed Costs component of its Westchester County Governmental Customers Production Rates. Details of the Forum are as follows:

Date: December 9, 2021
 Time: 11:00 a.m. to 3:00 p.m.
 Location: Join Zoom Meeting
<https://nypa-gov.zoom.us/j/88967586321?pwd=WUFRbjF2Y1h4cDdUN1pKS00ZHNCdz09>
 Meeting ID: 889 6758 6321
 Passcode: 225235
 One tap mobile
 +19294362866,,88967586321#

Interested parties may receive the complete text of the proposed rate action and the relevant resolution of the Authority's Board of Trustees from the Corporate Secretary of the Authority at the address and phone number below.

Individuals and organizations wishing to make statements at the Public Forum are encouraged to notify the Corporate Secretary of their intent to do so at least five days before the Forum and should provide the Authority with two copies of any written statements concerning the proposal at the Forum. All written statements will be made part of the record of the Forum whether or not presented orally in their entirety.

For further information about the rate increase proposal or the Forum, contact: Karen Delince, Corporate Secretary, NY Power Authority, 123 Main St., 9B, White Plains, NY 10601, (914) 390-8085, Fax: (914) 390-8040, e-mail: secretarys.office@nypa.gov

PUBLIC NOTICE

Office of Parks, Recreation and Historic Preservation

Pursuant to section 14.07 of the Parks, Recreation and Historic Preservation Law, the Office of Parks, Recreation and Historic Preservation hereby gives notice of the following:

In accordance with subdivision (c) of section 427.4 of title 9 NYCRR notice is hereby given that the New York State Board for Historic Preservation will be considering nomination proposals for listing of properties in the State and National Register of Historic Places at a meeting to be held on Thursday, December 9, 2021 at Peebles Island State Park, 1 Delaware Avenue, Cohoes, NY 12047.

The following properties will be considered:

1. Thousand Island Park Historic District (update/expansion), Town of Orleans, Jefferson County
2. Basselin House, Town of Croghan, Lewis County
3. Lily Dale Assembly Historic District, Town of Pomfret & Village of Cassadaga, Chautauqua County
4. Fedders Manufacturing Company, Buffalo, Erie County
5. Architecture of James Johnson 1961-1977 MPDF, Monroe County
6. James Johnson House, Brighton, Monroe County
7. Hunts Point Rail Station, Bronx County
8. Audubon Houses, New York County
9. Mary McLeod Bethune Houses, New York County

10. Lillian Wald Residence, New York County, New York
11. Smith-Voorhees-Covenhoven House, Glen, Montgomery County
12. Olbiston Apartments, Utica, Oneida County
13. Ellwanger and Barry Building, Rochester, Monroe County
14. Schenectady Savings Bank, Schenectady, Schenectady County
15. Schenectady Public Market and Scale House, Schenectady, Schenectady County
16. McKownville-Country Club Highlands Historic District, Guilderland, Albany County
17. Elaine de Kooning House, Springs, Suffolk County
18. John Jackson II House, Wantagh, Nassau County
19. Ridgewood Fresh Pond Road-Myrtle Avenue Historic District, Ridgewood, Queens County
20. The Reynolds House, Alfred, Allegany County
21. The North Main and West Water Streets Historic District Boundary Increase, Elmira, Chemung County
22. J. Garner West House, Stony Point, Rockland County
23. Vanderbilt Mansion National Historic Site Boundary Increase, Hyde Park, Dutchess County

To be considered by the board, comments may be submitted to Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, New York 12188-0189, no later than Wednesday, December 8th or may be submitted in person at the meeting by contacting Daniel Mackay at the same address no later than December 8th.

For further information, contact: Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, (518) 268-2171

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.

2021-0462: Matter of Fingerlakes Construction located at 135 East Union Street, Newark, NY 14513, for a variance concerning safety requirements, including distance from a fire hydrant. Involved is a repair garage, located at 5112 West Ridge Road, Town of Parma, County of Monroe, State of New York.

2021-0501: Matter of T.Y. International, Engineering and Architecture, P.C., located at 255 East Avenue, Rochester, NY 14604, for a variance concerning safety requirements, including fire apparatus access roads. Involved is the Forest View Subdivision, located at Chatwood Lane, Town of Henrietta, County of Monroe, State of New York.

PUBLIC NOTICE

Department of State
 Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One

Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0481 In the matter of Esed Hamza, 604 Kossuth Avenue, Utica, New York 13501, for a variance to the New York State Multiple Residence Law violations issues concerning life safety issues at 791-793 Mary Street, City of Utica, Oneida County, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0505 Matter of Brookhaven Expeditors, Andrew Malguamera, 713 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 575 Mill Road, Coram; Town Of Brookhaven, NY 11727, County of Suffolk, State of New York.

2021-0506 Matter of Apple Expediting Corp., Carolann Chang, P.O. Box 56, West Islip, NY 11795, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 136 Oldfield Road, Village of Amityville, NY 11701, County of Suffolk, State of New York.

2021-0509 Matter of Jeff Ulysse, P.O. Box 722, Bridgehampton, NY 11932, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 41 Hillside Road, Shinnecock Hills; Town of Southampton, NY 11968, County of Suffolk, State of New York.

2021-0511 Matter of Ruth Root and Nicholas Butterworth, 81 Walker St., Floor Three, New York, NY 10013, for a variance concerning safety requirements, including the ceiling height. Involved is an existing one-family dwelling located at 139 Shore Drive, Sound Beach; Town of Brookhaven, NY 11789, County of Suffolk, State of New York.

2021-0513 Matter of Christine Castracane, 770 Peconic Street, Ronkonkoma, NY 11779, for a variance concerning safety requirements, including the ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 770 Peconic Street, Ronkonkoma; Town of Islip, NY 11779, County of Suffolk, State of New York.

2021-0514 Matter of Elsasser Expediting Services, John Roy, 1134B Route 25, Selden, NY 11784, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 43 Fifth Street, Ronkonkoma; Town of Islip, NY 11779, County of Suffolk, State of New York.

2021-0515 Matter of Elsasser Expediting Services, John Roy, 1134B Route 25, Selden, NY 11784, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 35 Sweezytown N., Middle Island; Town of Brookhaven, NY 11953, County of Suffolk, State of New York.

PUBLIC NOTICE

Susquehanna River Basin Commission
Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: September 1-30, 2021

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22 (e) and 18 CFR § 806.22(f) for the time period specified above:

Water Source Approval – Issued Under 18 CFR 806.22(f):

1. Chesapeake Appalachia, L.L.C; Pad ID: Jag; ABR-201109002.R2; Franklin Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 20, 2021.

2. Chesapeake Appalachia, L.L.C; Pad ID: LKM; ABR-201109014.R2; Litchfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 20, 2021.

3. Chesapeake Appalachia, L.L.C; Pad ID: McGroarty; ABR-201109012.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 20, 2021.

4. SWN Production Company, LLC; Pad ID: Bernstein Pad; ABR-201107052.R2; Clifford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 20, 2021.

5. EXCO Resources (PA) LLC; Pad ID: Cadwalader Pad; ABR-201103039.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: September 23, 2021.

6. EXCO Resources (PA) LLC; Pad ID: Arthur Pad; ABR-201103018.R2; Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: September 23, 2021.

7. XTO Energy, Inc.; Pad ID: PA Tract Unit G; ABR-201109018.R2; Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 23, 2021.

8. Repsol Oil & Gas (USA), LLC; Pad ID: CAMP COMFORT (07 185); ABR-201106025.R2; Middletown Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 23, 2021.

9. Repsol Oil & Gas (USA), LLC; Pad ID: COOLEY (05 004) P; ABR-201007099.R2; Orwell Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 23, 2021.

10. Repsol Oil & Gas (USA), LLC; Pad ID: WALTERS (05 001) J; ABR-201007096.R2; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 23, 2021.

11. Rockdale Marcellus, LLC; Pad ID: Sawyer 376; ABR-201007061.R2; Union Township, Tioga County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: September 23, 2021.

12. ARD Operating, LLC; Pad ID: COP Tr 289 Pad D; ABR-201008030.R2; McHenry Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 23, 2021.

13. Chief Oil & Gas, LLC; Pad ID: BAUMUNK NORTH UNIT PAD; ABR-202109001; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: September 23, 2021.

14. Chief Oil & Gas, LLC; Pad ID: Yonkin Drilling Pad #1 ABR-201109020.R2; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 26, 2021.

15. SWN Production Company, LLC; Pad ID: Cramer Pad; ABR-201108007.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 26, 2021.

16. SWN Production Company, LLC; Pad ID: Folger Pad; ABR-201108022.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 26, 2021.

17. ARD Operating, LLC; Pad ID: Elbow Pad A; ABR-201008055.R2; Cogan House Township, Lycoming County, Pa.;

PUBLIC NOTICE

Susquehanna River Basin Commission
Grandfathering (GF) Registration Notice

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: September 1-30, 2021.

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

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR 806, Subpart E for the time period specified above:

Grandfathering Registration Under 18 CFR part 806, Subpart E:

1. City of Corning – Public Water Supply System, GF Certificate No. GF-202109183, City of Corning, Steuben County, N.Y.; Wells 1, 2, 3, and 9; Issue Date: September 3, 2021.

2. Pennsylvania – American Water Company – White Deer District, GF Certificate No. GF 202109184, White Deer and Buffalo Townships, Union County, Pa.; White Deer Creek and Spruce Run; Issue Date: September 3, 2021.

3. Valley Proteins, Inc. – Terre Hill Facility, GF Certificate No. GF-202109185, East Earl Township, Lancaster County, Pa.; Wells 1 and 2 and consumptive use; Issue Date: September 3, 2021.

4. Knouse Foods Cooperative, Inc. – Gardners Plant, GF Certificate No. GF-202109186, Tyrone Township, Adams County, Pa.; Wells 3, 5, 6, 8, and 10; Issue Date: September 17, 2021.

5. The Pennsylvania State University – Blue and White Golf Courses and Public Water Supply System, GF Certificate No. GF-202109187, Ferguson Township and State College Borough, Centre County, Pa.; Well UN-28A; Issue Date: September 30, 2021.

Dated: October 18, 2021

Jason E. Oyler

General Counsel and Secretary to the Commission.

Consumptive Use of Up to 4.0000 mgd; Approval Date: September 26, 2021.

18. ARD Operating, LLC; Pad ID: COP Tract 356 Pad G; ABR-201108017.R2; Cummings Township, Lycoming County; Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 26, 2021.

19. Rockdale Marcellus, LLC; Pad ID: Foti 721; ABR-201007118.R2; McNett Township, Lycoming County; Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: September 26, 2021.

20. ARD Operating, LLC; Pad ID: COP Tr 285 Pad H; ABR-201008018.R2; Chapman Township, Clinton County; Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 26, 2021.

21. Chief Oil & Gas, LLC; Pad ID: Kerr B Drilling Pad #1 ABR-201109031.R2; Lathrop Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 28, 2021.

22. Repsol Oil & Gas (USA), LLC; Pad ID: BENNETT (05 164) R; ABR-201107049.R2; Pike Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 23, 2021.

23. Rockdale Marcellus, LLC; Pad ID: Taylor 718; ABR-201007016.R2; Liberty Township, Tioga County; Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: September 28, 2021.

24. BKV Operating, LLC; Pad ID: Bush Pad; ABR-201109028.R2; Bridgewater and Forest Lake Townships, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 28, 2021.

25. Blackhill Energy LLC; Pad ID: REITER 1H Pad; ABR-201008048.R2; Ridgebury Township, Bradford County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: September 28, 2021.

26. SWN Production Company, LLC; Pad ID: Clark Pad; ABR-201107043.R2; Herrick and Orwell Townships, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 28, 2021.

27. Chesapeake Appalachia, L.L.C.; Pad ID: Circle H; ABR-201109033.R2; Wilnot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 30, 2021.

28. Chesapeake Appalachia, L.L.C.; Pad ID: Smurkoski; ABR-201109032.R2; Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 30, 2021.

29. Chesapeake Appalachia, L.L.C.; Pad ID: Stone; ABR-201109035.R2; Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 30, 2021.

30. Seneca Resources Company, LLC; Pad ID: C09-Q; ABR-202109002; Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 30, 2021.

31. Seneca Resources Company, LLC; Pad ID: DCNR Tract 595 Pad F; ABR-201008044.R2; Bloss Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 30, 2021.

32. Blackhill Energy LLC; Pad ID: STAHL 1H; ABR-201107021.R2; Chapman Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 30, 2021.

33. Repsol Oil & Gas USA, LLC; Pad ID: NOBLE (03 029) S; ABR-201007011.R2; Wells Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 30, 2021.

34. Repsol Oil & Gas USA, LLC; Pad ID: THORP (03 049) D; ABR-201007082.R2; Wells Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 30, 2021.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: October 18, 2021

Jason E. Oyler,

General Counsel and Secretary to the Commission.