
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 30, 2022
- the 45-day period expires on January 15, 2022
- the 30-day period expires on December 31, 2021

**KATHY HOCHUL
GOVERNOR**

**BRENDAN C. HUGHES
ACTING SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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RULE MAKING ACTIVITIES

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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.

Office of Alcoholism and Substance Abuse Services

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

General Provisions Applicable to All OASAS Programs

I.D. No. ASA-48-21-00002-EP

Filing No. 1160

Filing Date: 2021-11-10

Effective Date: 2021-11-10

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

Proposed Action: Amendment of Part 800 and section 836.8 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 19.07(e), 19.09(b), 32.01, 32.07(a); Executive Law, art. 15

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

Specific reasons underlying the finding of necessity: The proposed rule amends Part 800 to update language consistent with agency statutory and regulatory provisions; incorporates by reference the OASAS substance use disorder counselor scope of practice; references any additional level of care determination modules developed for the existing tool; removes the time period allowed for practitioners to obtain a DATA 200 waiver to prescribe buprenorphine in accordance with federal rules now that such training is easily available online; updates and consolidates various definitions; and, adds a new section related to patient access to treatment which consolidates various provisions identified in guidance, local service bul-

letins and conflicting regulatory provisions into one section now applicable to all certified, funded or otherwise authorized programs. The time period to maintain records subject to Medicaid and Medicare audit is now identified as ten (10) years to comply with case law (Cochise Consultancy, Inc. v. United States ex rel. Hunt, 139 S.Ct. 1507 (2019)) and the federal False Claims Act.

This proposed rule, in addition to updating language consistent with statutory and regulatory provisions, also consolidates guidance, administrative directives and conflicting regulatory provisions in one regulation applicable to all programs providing clarity for prevention, treatment and recovery programs. This proposed revised regulation was reviewed and approved by the Behavioral Health Services Advisory Council on June 17, 2021. While this rule initially began the rulemaking process in 2020, revisions were made based on public comment, and unfortunately the rulemaking expired before OASAS could adopt as a final rule. The agency is proposing this as an emergency adoption and proposed rule at this time to ensure timely compliance with other regulatory and statutory provisions, and the agency expects no further public comment at this time but additional public comment is welcome.

Subject: General Provisions applicable to all OASAS programs.

Purpose: To identify those provisions that are required of all OASAS certified, funded, or otherwise authorized programs.

Substance of emergency/proposed rule (Full text is posted at the following State website: <https://oasas.ny.gov/legal>): The Proposed rule amends Part 800 as follows:

§ 800.1 Applicability. Added a new “Applicability” provision to specify that Part 800 applies to any program certified, funded, designated or otherwise authorized by OASAS.

§ 800.2 Legal base. Added legal authority from Article 15 of the Executive Law.

§ 800.3 Incorporation by Reference. Added OASAS materials to be incorporated by reference.

§ 800.4 Definitions. Clarified certain definitions and revised definition of “substance use disorder.”

§ 800.5 Access to Treatment. Included new Access to Treatment provision ensuring equal access to services.

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

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 February 7, 2022.

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

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

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

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

Regulatory Impact Statement

1. Statutory Authority:

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

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

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

(d) Section 32.07(a) of the Mental Hygiene Law authorizes the Commissioner of the Office of Addiction Services and Supports to adopt regulations to effectuate the provisions and purposes of Article 32 of the Mental Hygiene Law.

(e) Article 15 of the Executive Law enacts the Human Rights Law prohibiting discrimination against various protected classes.

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

3. Needs and Benefits: This regulation is amended and updated consistent with other regulations contained in Title 14. Additionally, most of the provisions included in the newly added Access to Care section of the regulation are provisions that are already required of OASAS programs through guidance and Local Services Bulletins but are hereby consolidated in one location. Providers are required pursuant to Part 815 to have policies and procedures addressing a wide range of patient rights issues, including provider responsibilities regarding language access, quality improvement based on patient feedback and complaints, and patients' rights. OASAS is including the reference to the NYS Human Rights Law to ensure providers are aware of the included protected classes contained therein and that policies and procedures incorporate affirmative steps programs may undertake to ensure equitable access to care.

This proposed rule, in addition to updating language consistent with statutory and regulatory provisions, also consolidates guidance, administrative directives and conflicting regulatory provisions in one regulation applicable to all programs providing clarity for prevention, treatment and recovery programs. This proposed revised regulation was reviewed and approved by the Behavioral Health Services Advisory Council on June 17, 2021. While this rule initially began the rulemaking process in 2020, revisions were made based on public comment, and unfortunately the rulemaking expired before OASAS could adopt as a final rule. The agency is proposing this as an emergency adoption and proposed rule at this time to ensure timely compliance with other regulatory and statutory provisions, and the agency expects no further public comment at this time but additional public comment is welcome.

4. Costs: No additional administrative costs to the agency are anticipated. The amendments may require amending existing policies and procedures which programs may achieve with existing staff.

5. Paperwork: There is no additional paperwork beyond what is already required. Most of the provisions included in the regulation are already required through various guidance documents and Local Services Bulletins issued by the Office. The social equity provisions may require amendments to existing policies and procedures.

6. Local Government Mandates: Local governments may operate programs certified by OASAS and therefore may be required to update their policies and procedures consistent with regulatory requirements.

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

8. Alternatives: The alternative is to leave the regulation as it currently reads, with language inconsistent with the rest of Title 14 and updates to the mental hygiene law. Additionally, providers often claim they are not aware of the various requirements contained in guidance and Local Services Bulletins which are being consolidated here. The provisions relating to affirmatively addressing equitable access to care may require revisions to policies and procedures by some providers but many providers already address this.

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

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

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the amended regulation imposes minimal new requirements on providers of OASAS services. Most of the requirements added into regulation are already required of OASAS programs by guidance and Local Service Bulletins issued by the Office.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the amended regulation imposes minimal new requirements on providers of OASAS services. Most of the requirements added into regulation are already required of OASAS programs by guidance and Local Service Bulletins issued by the Office.

Job Impact Statement

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and

employment opportunities because the amended regulation does not impose any new employment or training requirements on prevention, treatment or recovery programs. Most of the requirements added into the regulation are already required of OASAS programs by guidance and Local Services Bulletins issued by the Office and conformance with the regulatory provisions will not require additional staff.

Education Department

EMERGENCY RULE MAKING

Addressing the COVID-19 Crisis

I.D. No. EDU-20-20-00008-E

Filing No. 1163

Filing Date: 2021-11-12

Effective Date: 2021-11-12

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

Action taken: Amendment of sections 52.21, 60.6, 61.9, 80-1.2, 80-3.7, 100.1, 100.2, 100.4, 100.5, 100.6, 100.7, 100.19, 151-1.3; addition of section 80-5.27 to Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 209, 210, 211-f, 214, 215, 305, 3001, 3004, 3009, 3204, 3205, 3602, 3602-3, 3602-ee, 6525, 6611; Every Student Succeeds Act of 2015, section 1111(b)(3), (c)(4), (d)(2); 20 U.S.C., section 6301 et seq.; (Public Law 114-95, 129 STAT. 1802)

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

Specific reasons underlying the finding of necessity: On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools and directing nonessential work personnel to work from home. In response, the Department adopted emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The Department first presented these proposed amendments to the Full Board for adoption as an emergency action at the May 2020 Regents meeting, effective May 5, 2020. At the June, July, September, October, and December 2020, and February, March, May, June, and September 2021 Board meetings, the Department revised the proposed amendments to provide clarification and additional regulatory flexibility. The proposed amendments provide flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;
- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school district business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, work-readiness assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

Because the Board of Regents meets at scheduled intervals, the earliest

the proposed amendments could be presented for regular (nonemergency) adoption, after publication in the State Register and expiration of the 45-day public comment period required in the State Administrative Procedure Act (SAPA) section 201(4-a), is the December 2021 Regents meeting. However, the emergency rule will expire on November 12, 2021. Therefore, an additional emergency action is necessary at the October 2021 meeting for the preservation of the public health and the general welfare in order to immediately provide flexibility for certain regulatory requirements in response to the COVID-19 crisis, and to ensure that the emergency action taken at the July meeting remains continuously in effect.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the December 2021 Regents meeting, which is the first scheduled meeting after the 45-day public comment period prescribed in SAPA for State agency rule making.

Subject: Addressing the COVID-19 Crisis.

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

Substance of emergency rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>): On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools and directing nonessential work personnel to work from home. In response, the Department has adopted emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments as follows:

- Professions
 - o Section 60.6 is amended to permit the Department, at its discretion, to renew limited permits in medicine for one additional 24-month period.
 - o Section 61.19(b) is amended to permit the Department to accept alternative means to be used by dentists and dental hygienists to obtain and/or maintain the required certification in cardiopulmonary resuscitation other than through an in-person course during the COVID-19 crisis.
- Receivership
 - o Section 100.19 is amended to provide that: (1) the Commissioner shall not use 2019-20 or 2020-2021 school year results to newly identify in the 2021-2022 school year any schools as struggling, place any schools under independent receivership, or remove the designation of any schools as struggling or persistently struggling; (2) all schools identified as persistently struggling or struggling schools for the 2019-20 school year shall remain so identified for the 2020-21 and 2021-2022 school years and all schools that operated under a school district superintendent receiver in the 2019-20 and 2020-2021 school years shall continue to operate under a school district superintendent receiver in the 2021-22 school year; and (3) the Commissioner may, upon a finding of good cause, modify for the 2019-20 through 2022-23 school years any timelines pertaining to notifications, plans, reports, or implementation of activities required by such section, except for any timelines prescribed by law.
- Higher Education
 - o Section 80-3.7 is amended to allow any undergraduate or graduate level course completed during the spring, summer, or fall 2020 terms with a passing grade, or its equivalent, to count toward the content core or pedagogical core semester hour requirements for certification through the Individual Evaluation pathway. The passing grade, or its equivalent, must be in accordance with the pass/fail grading policy, or its equivalent, at the institution of higher education (e.g., credit/no credit, pass/fail, satisfactory/unsatisfactory policy).
 - o Section 80-1.2(b) is amended to extend the expiration date of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and the extensions of the initial and Provisional certificates from August 31, 2020 to January 31, 2021 to provide candidates with the time needed to work in schools and complete the requirements for the Professional or Permanent certificate. Additionally, such section is amended to extend the expiration date of the Conditional Initial certificate from August 31, 2020 to August 31, 2021 to provide candidates with the time needed to complete the edTPA, which requires working with students. An additional year gives candidates the time to establish a relationship with students, teach lessons and assess student learning, and prepare the edTPA submission once classroom routines are more consistent after the COVID-19 crisis.
 - o Section 80-5.27 is added to create an Emergency COVID-19 certificate for candidates seeking certain certificates, extensions, and annota-

tions because there is limited test center availability and schools have been closed pursuant to Executive Order(s) of the Governor due to the COVID-19 crisis. This certificate would be valid for two years. Candidates must apply for the certificate, extension, or annotation on or before September 1, 2022. They must also apply for the Emergency COVID-19 certificate, in the same certificate title as the certificate, extension, or annotation applied for, on or before September 1, 2022.

- o Section 52.21(c) is amended to exempt school district leader (SDL) and school business leader (SDBL) candidates from taking and passing the SDL and SDBL assessment, respectively, for program completion and for the institutional recommendation for the Professional certificate, if they completed all program requirements except the assessment requirement in the 2019-2020 or 2020-2021 academic year. The exemption enables these candidates to complete their program while there is limited test center availability due to the COVID-19 crisis and receive institutional recommendation for Professional certification, which would be needed to pursue the proposed Emergency COVID-19 certificate. The candidates would need to take and pass the SDL and SDBL assessment to earn Professional SDL and SDBL certification, respectively.

- o Section 52.21(c) is also amended to exempt candidates admitted to Transitional D programs leading to school district leader certification from taking and passing the SDL assessment for the institutional recommendation for the Transitional D certificate, if they completed all requirements for admitted candidates except the assessment requirement on or before September 1, 2021. The exemption enables Transitional D candidates to receive institutional recommendation for Transitional D certification while there is limited test center availability due to the COVID-19 crisis, which would be needed to pursue the proposed Emergency COVID-19 certificate. The candidates would need to take and pass the SDL assessment to earn Transitional D certification.

- Early Learning
 - o Section 151-1.3(b) is amended to waive the requirement that school districts must annually monitor and track prekindergarten program effectiveness for the 2019-2020 school year and to waive the annual report of the percentage of prekindergarten children making significant gains for the 2019-2020 school year.

- Alternative High School Equivalency Program (“AHSEP”)
 - o Section 100.7 is amended to provide an extension to the June 30 application deadline for alternative high school equivalency preparation programs to be operated during the 2020-2021 school year.

- Curriculum and Instruction
 - o Section 100.1 is amended to provide that a unit of credit may be earned where a student has not completed a unit of study due to the COVID-19 crisis but has otherwise achieved the standards assessed in the provided coursework;

- o Sections 100.2 and 100.5 are amended to provide an exemption to the diploma, credential, and endorsement requirements associated with the Regents examination, pathway assessment, alternative assessment, technical assessment, and locally developed test during the 2019-20 and 2020-21 school years due to the COVID-19 crisis so that students are still able to meet their diploma requirements;

- o Section 100.5(a)(5)(vi)(a) is amended to provide an exemption to the diploma, credential, and endorsement requirements related to the passing of the January 2022 Regents examination in United States History and Government so that students are still able to meet their diploma requirements since the January 2022 Regents examination in United States History and Government will not be available.

- o Section 100.4 is amended to make a technical citation correction;
- o Section 100.5 is amended to provide that for the 2019-2020 and 2020-2021 school years the 1,200 minutes of laboratory experience is not required for a student to qualify to take a Regents examination where such student is unable to meet the 1,200 minute requirement due to the COVID-19 crisis, and to provide that 1,200 minutes of lab experience is not required for a student to be exempted from a Regents examination;

- o Section 100.6 is amended to exempt students from the requirements for the career development and occupational studies commencement credential (“CDOS”), including the work readiness assessment, provided that the student is otherwise eligible to exit from high school and has otherwise demonstrated knowledge and skills relating to the CDOS learning standards; and

- o Section 100.7 is amended to provide an exemption from the subtests of the general comprehensive examination requirements for a high school equivalency diploma where students meet certain criteria for the 2019-20 and 2020-21 school years.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-20-20-00008-EP, Issue of May 20, 2020. The emergency rule will expire January 10, 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

Regulatory Impact Statement**1. STATUTORY AUTHORITY:**

Education Law § 101 continues existence of Education Department, with Board of Regents as its head, and authorizes Regents to appoint Commissioner of Education as Department's Chief Administrative Officer, which is charged with general management and supervision of all public schools and educational work of State.

Education Law § 207 empowers Regents and Commissioner to adopt rules and regulations to carry out State education laws and functions and duties conferred on the Department.

Education Law § 210 empowers the Regents to register domestic and foreign institutions in terms of New York standards, and fix the value of degrees, diplomas and certificates issued by institutions of other states or countries and presented to entrance to schools, colleges and the professions in New York.

Education Law § 209 provides that the Regents shall establish, in secondary institutions, examinations in studies furnishing a suitable standard of graduation therefrom and of admission to colleges, and certificates or diplomas shall be conferred by the Regents to students who satisfactorily pass such examinations.

Education Law § 211-f provides for the procedures for the takeover and restructuring of failing schools.

Education Law § 214 provides that the institutions of the University of the State of New York shall include all secondary and higher educational institutions which are now or may hereafter be incorporated in this state, and such other libraries, museums, institutions, schools, organizations and agencies for education as may be admitted to or incorporated by the University.

Education Law § 215 provides the Regents, or the Commissioner, or their representatives, the power to visit, examine, and inspect any institution in the University of the State of New York and any school or institution under the educational supervision of the State.

Education Law § 305 establishes the general powers and duties of the Commissioner of Education.

Education Law § 3001 prescribes the qualifications of teachers.

Education Law § 3004 directs the Commissioner of Education to prescribe regulations governing the examination and certification of teachers employed in all public schools of the State.

Education Law § 3009 provides that unqualified teachers shall not be paid from school moneys.

Education Law § 3204 provides that a minor required to attend upon instruction may attend at a public school or elsewhere.

Education Law § 3205 provides that each minor from six to sixteen years of age in each school district or on an Indian reservation shall attend upon full time instruction.

Education Law § 3602 provides for the apportionment of public moneys to school districts employing eight or more teachers.

Education Law § 3602-e authorizes and directs the Commissioner of Education to award grants for the establishment and implementation of a prekindergarten program to serve eligible children.

Education Law § 3602-ee establishes a Statewide universal full-day pre-kindergarten program.

Education Law § 6525 permits the Department to issue limited permits in medicine to eligible applicants.

Education Law § 6611(10) requires each dentist and registered dental hygienist working for a hospital who practices in collaboration with a licensed dentist to become certified in cardiopulmonary resuscitation from an approved provider and thereafter maintain current certification.

Every Student Succeeds Act § 1111(b)(2) requires States to implement a set of high-quality student academic assessments in mathematics, reading or language arts, and science.

Every Student Succeeds Act § 1111(c)(4) requires all States to have a statewide accountability system based on challenging State academic standards for reading or language arts and mathematics to improve student academic achievement and school success.

Every Student Succeeds Act § 1111(d)(2) requires schools which receive notification under such Act that a subgroup of students is consistently underperforming to develop and implement a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system.

2. LEGISLATIVE OBJECTIVES:

The proposed amendments are consistent with the above statutory authority and are necessary to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. The purpose of the proposed amendment is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis.

3. NEEDS AND BENEFITS:

On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State

declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools, directing non-essential work personnel to work from home, and directing non-essential gatherings of individuals of any size for any reason to be canceled or postponed. In response the Department adopted emergency regulations at the April 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments providing flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;
- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school district business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

4. COSTS:

- a. Costs to State government: The amendments do not impose any costs on State government.
- 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. Cost to the regulatory agency: There are no additional costs to the State Education Department.

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:

The proposed amendments are necessary to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. There are no significant alternatives to the proposed amendment and none were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis**(a) Small businesses:**

The proposed rule relates to providing flexibility for certain regulatory requirements in response to the COVID-19 crisis. The proposed amendments do not impose any adverse economic impact, reporting, recordkeeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendments that they do not affect small businesses, no further measures 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.

(b) Local governments:**1. EFFECT OF RULE:**

The purpose of the proposed amendments is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. The proposed amendments apply to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020 the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis including orders directing the closure of schools, directing non-essential work personnel to work from home, and directing non-essential gatherings of individuals of any size for any reason to be canceled or postponed. In response the Department adopted emergency regulations at the April 2020 Board of Regents Meeting to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments providing flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;
- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school district business leader assessments;
- School district leader and school business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

3. PROFESSIONAL SERVICES:

The proposed amendment does not impose any additional professional services requirements on local governments.

4. COMPLIANCE COSTS:

The proposed amendment will not impose any additional program, service, duty, responsibility or costs beyond those imposed by statute.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on local governments.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendments are necessary to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. Accordingly, no alternatives were considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State and from the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

The purpose of the proposed amendments to the Regulations of the Commissioner of Education is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On March 7, 2020, the Governor of New York State declared a State disaster emergency for the entire State of New York pursuant to Executive Order 202. Subsequently, the Governor issued additional Executive Orders in response to the COVID-19 crisis, including orders directing the closure of schools and directing nonessential work personnel to work from home. In response, the Department has adopted emergency regulations to address numerous issues resulting from the interruptions caused by the COVID-19 crisis. To address additional issues resulting from the interruptions caused by the COVID-19 crisis, the Department is proposing further emergency regulatory amendments providing flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;

- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school district business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

The proposed amendment provides flexibility for certain regulatory requirements during the COVID-19 crisis. Thus, the proposed amendment does not adversely impact entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The purpose of the proposed amendments is to provide flexibility for certain regulatory requirements in response to the COVID-19 crisis. The proposed amendment provides flexibility related to the following:

- Renewal of limited permits in medicine;
- In-person CPR course certification requirements for dentists and dental hygienists;
- The takeover and restructuring of struggling and persistently struggling schools;
- Teacher certification through the Individual Evaluation pathway;
- Expiration dates of the Initial certificate, Initial Reissuance, Provisional certificate, Provisional Renewal, and Conditional Initial certificate for teacher candidates;
- Emergency COVID-19 teaching certificates;
- School district leader and school business leader assessments;
- Annual monitoring and tracking of prekindergarten program effectiveness and the annual report of the percentage of prekindergarten children making significant gains;
- Application deadline for alternative high school equivalency preparation programs;
- Unit of study requirements;
- Regents examinations, pathway assessments, alternative assessments, technical assessments, and locally developed test requirements for a diploma;
- NYS career and development and occupational studies commencement credential; and
- General comprehensive examination requirements for a high school equivalency diploma.

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

The agency received no public comment since publication of the last assessment of public comment.

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

Annual Visitation of Voluntarily Registered Nursery Schools and Kindergartens

I.D. No. EDU-48-21-00012-EP

Filing No. 1167

Filing Date: 2021-11-16

Effective Date: 2021-11-16

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

Proposed Action: Amendment of section 125.1(d) of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 210, 3602 and 3602-e

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

Specific reasons underlying the finding of necessity: At its February 2021, the Board of Regents permanently adopted amendments to Section 125.1 of the Commissioner's regulations providing that, where Department staff are unable to conduct an annual visit of voluntarily registered nursery schools and kindergartens, as required by subdivision (c) of such section in the 2019-2020 or 2020-2021 school years, due to the COVID-19 crisis, Department staff must conduct such visit "as soon as practicable." The Department extended the registration of nursery schools and kindergartens whose registration was up for renewal that did not have on-site visits in the 2019-2020 and/or 2020-2021 school years due to COVID-19.

The Department now proposes amend section 125.1(d) of the Commissioner's regulations to extend this flexibility for the annual on-site visitation of voluntarily registered nursery schools and kindergartens to the 2021-2022 school year due to the ongoing challenges of the COVID-19 crisis. Again, the Department will extend registrations for voluntarily registered nursery schools and kindergartens whose registration is up for renewal, and who do not have an on-site visit in the 2021-2022 school year.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the March 2022 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earlier effective date of the proposed rule, if adopted at the March meeting, would be March 30, 2022, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the November 2021 meeting for the preservation of the general welfare and public health in order to continue to provide flexibility for the annual visitation of voluntarily registered nursery schools and kindergartens during the 2021-2022 school year due to the COVID-19 crisis.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the March 2022 meeting, which is the first scheduled meeting after 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 March Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the January 2022 Regents meeting.

Subject: Annual visitation of voluntarily registered nursery schools and kindergartens.

Purpose: To extend flexibility for the annual visitation of voluntarily registered nursery schools and kindergartens to the 2021-2022 school year.

Text of emergency/proposed rule: Subdivision (d) of section 125.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(d) Where Department staff are unable to conduct an annual visit in accordance with subdivision (c) of this section in the 2019-2020, [or] 2020-2021, or 2021-2022 school [year] year(s) due to the COVID-19 crisis, Department staff shall conduct such visit as soon as practicable.

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 February 13, 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: Marybeth Casey, Assistant Commissioner, NYS Education Department, Office of Curriculum & Instruction, 89 Washington Avenue, Room 2M, Albany, NY 12234, (518) 474-0059, 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:

Education Law § 101 continues the existence of the Education Department, with the Board of Regents as its head, and authorizes the Regents to appoint the Commissioner as chief administrative officer of the Department, which is charged with the general management and supervision of public schools and the educational work of the State.

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

Education Law § 210 empowers the Regents to register domestic and foreign institutions in terms of New York standards, and fix the value of

degrees, diplomas and certificates issued by institutions of other states or countries and presented to entrance to schools, colleges and the professions in New York.

Education Law § 3602 provides for the apportionment of public moneys to school districts employing eight or more teachers.

Education Law § 3602-e authorizes and directs the Commissioner of Education to award grants for the establishment and implementation of a prekindergarten program to serve eligible children.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to provide additional regulatory flexibility in response to the COVID-19 crisis by providing that Department staff must conduct mandatory visitations to voluntarily registered nursery schools and kindergartens "as soon as practicable" if prevented from doing so in the 2021-2022 school year due to the COVID-19 crisis.

3. NEEDS AND BENEFITS:

At its February 2021 meeting, the Board of Regents permanently adopted amendments to Section 125.1 of the Commissioner's regulations providing that Department staff must conduct mandatory visitations to voluntarily registered nursery schools and kindergartens "as soon as practicable" if prevented from doing so in the 2019-2020 or 2020-2021 school year(s) due to the COVID-19 crisis. Ordinarily, these inspections are required annually (8 NYCRR 125.1[c]). The Department extended the registration of nursery schools and kindergartens whose registration was up for renewal that did not have on-site visits in the 2019-2020 and/or 2020-2021 school years due to COVID-19.

The Department now proposes to amend section 125.1(d) of the Commissioner's regulations to extend this flexibility to the 2021-2022 school year due to the ongoing challenges of the COVID-19 crisis. Again, the Department will extend registrations for voluntarily registered nursery schools and kindergartens whose registration is up for renewal, and who do not have an on-site visit in the 2021-2022 school year.

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: The proposed amendment does not impose any additional costs on regulated parties.

(d) Cost to the regulatory agency: The proposed amendment will not impose any additional costs on the Department.

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

The proposed rule imposes no new reporting requirements or other paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed rule is necessary to provide additional regulatory flexibility in response to the COVID-19 crisis by providing that Department staff must conduct mandatory visitations to voluntarily registered nursery schools and kindergartens "as soon as practicable" if prevented from doing so in the 2021-2022 school year due to the COVID-19 crisis. There were no significant alternatives considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

If adopted as an emergency rule at the November 2021 Regents meeting, the emergency rule will become effective November 16, 2021. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the March 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. It is anticipated that regulated parties can achieve compliance with the proposed rule by its effective date.

Regulatory Flexibility Analysis

The purposes of the proposed rule is to provide additional regulatory flexibility in response to the COVID-19 crisis by providing that Department staff must conduct mandatory visitations to voluntarily registered nonpublic nursery schools and kindergartens "as soon as practicable" if prevented from doing so in the 2021-2022 school year due to the COVID-19 crisis. The proposed rule does not impose any economic impact, or other compliance requirements on small businesses or local governments. Because it is evident from the nature of the proposed rule that it does not affect small businesses or local governments, no further measures were needed to ascertain that fact and none were taken. Accord-

ingly, a regulatory flexibility analysis for small businesses and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

At its February 2021 meeting, the Board of Regents permanently adopted amendments to Section 125.1 of the Commissioner's regulations providing that Department staff must conduct mandatory visitations to voluntarily registered nursery schools and kindergartens "as soon as practicable" if prevented from doing so in the 2019-2020 or 2020-2021 school year(s) due to the COVID-19 crisis. Ordinarily, these inspections are required annually (8 NYCRR 125.1[c]). The Department extended the registration of nursery schools and kindergartens whose registration was up for renewal that did not have on-site visits in the 2019-2020 and/or 2020-2021 school years due to COVID-19.

The Department now proposes to amend section 125.1(d) of the Commissioner's regulations to extend this flexibility to the 2021-2022 school year due to the ongoing challenges of the COVID-19 crisis. Again, the Department will extend registrations for voluntarily registered nursery schools and kindergartens whose registration is up for renewal, and who do not have an on-site visit in the 2021-2022 school year.

Since the proposed amendment merely provides flexibility for certain regulatory requirements during the COVID-19 crisis, the proposed amendment does not adversely impact entities in rural areas of New York State. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

At its February 2021 meeting, the Board of Regents permanently adopted amendments to Section 125.1 of the Commissioner's regulations providing that Department staff must conduct mandatory visitations to voluntarily registered nursery schools and kindergartens "as soon as practicable" if prevented from doing so in the 2019-2020 or 2020-2021 school year(s) due to the COVID-19 crisis. Ordinarily, these inspections are required annually (8 NYCRR 125.1[c]). The Department extended the registration of nursery schools and kindergartens whose registration was up for renewal that did not have on-site visits in the 2019-2020 and/or 2020-2021 school years due to COVID-19.

The Department now proposes to amend section 125.1(d) of the Commissioner's regulations to extend this flexibility to the 2021-2022 school year due to the ongoing challenges of the COVID-19 crisis. Again, the Department will extend registrations for voluntarily registered nursery schools and kindergartens whose registration is up for renewal, and who do not have an on-site visit in the 2021-2022 school year.

Because it is evident from the nature of the proposed rule 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. Accordingly, a job impact statement is not required and one has not been prepared.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures

I.D. No. EDU-48-21-00008-P

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

Proposed Action: Amendment of sections 200.1(x) and 200.5(j) of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305(1), 3214(3)(g), 4403, 4404 and 4410(7)

Subject: Special education impartial hearing officers and the special education due process system procedures.

Purpose: To address volume of special education due process complaints in the New York City due process system.

Public hearing(s) will be held at: 12:00 p.m., Feb. 1, 2022, via Zoom, Link: <https://zoom.us/j/95291448709?pwd=S1E2a3pvRjYvZlQ0eHZKNFp0aTZ6dz09>, Meeting ID: 952 9144 8709, Passcode: MTbs02;

5:00 p.m., Feb. 9, 2022, via Zoom, Link: <https://zoom.us/j/95132788304?pwd=QmVvaWxwZ2JhRi91bW1pTUxwZ2JHdz09>, Meeting ID: 951 3278 8304, Passcode: 8p4dru; and

9:00 a.m., February 17, 2022, via Zoom, Link: <https://zoom.us/j/99029637239?pwd=eHcyYEdYRmY3SVFsMnNhdzdpdFZzd09>, Meeting ID: 990 2963 7239, Passcode: 8iqjHd

Interpreter Service: Interpreter services will be made available to hearing

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

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

Text of proposed rule: 1. Paragraph (4) of subdivision (x) of section 200.1 of the Regulations of the Commissioner of Education is amended to read as follows:

An impartial hearing officer shall:

(4) be certified by the commissioner as an impartial hearing officer eligible to conduct hearings pursuant to Education Law, section 4404(1) and subject to suspension or revocation of such certification by the commissioner for good cause in accordance with the provisions of section 200.21 of this Part. In order to obtain and retain such a certificate, an individual shall:

(i) successfully complete a training program, conducted by the department, which program provides information regarding State and Federal laws and regulations relating to the education of students with disabilities, the needs of such students, and the procedures involved in conducting a hearing, and in reaching and writing a decision;

(ii) attend such periodic update programs as may be scheduled by the commissioner;

(iii) annually submit, in a format and by a date prescribed by the commissioner, a certification that the impartial hearing officer meets the requirements of paragraphs (1), (2) and (3) of this subdivision[;] *and, for those impartial hearing officers certified to only accept cases filed against the City School District of the City of New York, certify that they will accept a minimum of 35 City School District of the City of New York case appointments each calendar year, if offered, and will carry no more than 500 cases at any one time during each calendar year. This requirement shall not apply for one calendar year following an impartial hearing officer's initial certification;*

(iv) possess knowledge of, and the ability to understand, the provisions of Federal and State law and regulations pertaining to the Individuals with Disabilities Education Act and legal interpretations of such law and regulations by Federal and State courts;

(v) possess knowledge of, and the ability to conduct hearings in accordance with appropriate, standard legal practice and to render and write decisions in accordance with appropriate standard legal practice; and

(vi) be willing and available to accept appointment to conduct impartial hearings. Notwithstanding the provisions of section 200.21 of this Part, unless good cause has been provided to the commissioner including, but not limited to, cause resulting from poor health as certified by a physician, active military services or other similar extenuating circumstances, the certification of an impartial hearing officer shall be rescinded upon a finding that the impartial hearing officer was not willing or available to conduct an impartial hearing within a two-year period of time. *For those impartial hearing officers certified to only accept cases from the City School District of the City of New York, certification may be rescinded if a impartial hearing officer did not accept a minimum of 35 case appointments, if offered, during the previous calendar year, as stated in the annual certification required in (iii) above.*

2. Subparagraph (i) of paragraph (5) of subdivision (j) of section 200.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) An impartial hearing officer may grant specific extensions of time beyond the periods set out in this paragraph, in subparagraph (3)(iii) of this subdivision, or in section 200.16(h)(9) of this Part at the request of either the school district or the parent. The impartial hearing officer shall not solicit extension requests or grant extensions on his or her own behalf or unilaterally issue extensions for any reason. Each extension shall be for no more than [30] 60 days[; except that due to the COVID-19 crisis, an extension may be granted beyond 30 days but no more than 60 days]. Not more than one extension at a time may be granted. The reason for each extension must be documented in the hearing record.

3. Paragraph (3) of subdivision (j) of section 200.5 of the Regulations of the Commissioner of Education is amended by adding a new subparagraph (xviii) to read as follows:

(xviii) *A city school district having a population of one million or more must develop and commence use of an electronic filing system no later than January 1, 2023, to assist with the management of its special education due process system, which will require the electronic filing of due process complaints, pleadings, requests for extensions and all other required filings in accordance with Part 200 of this Title and any other applicable regulatory requirements. Such electronic filing system must comply with all applicable State and federal laws governing confidentiality and electronic transactions to ensure the safety, integrity and confidentiality of student records and the due process system. On and after Janu-*

ary 1, 2023, parents, school authorities and their respective counsel or representatives shall submit all pleadings and other filings electronically in accordance with the requirements of such system. Individuals shall be entitled to apply for a waiver from the electronic filing requirements, which shall be granted based upon a showing of undue hardship as determined by the city school district having a population of one million or more.

Text of proposed rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Ave., Room 148, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Christopher Suriano, Assistant Commissioner, NYS Education Department, Office of Special Education, 89 Washington Avenue, 301M EB, Albany, NY 12234, (518) 473-6119, email: REGCOMMENTS@nysed.gov

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 101 (not subdivided) charges the Department with the general management and supervision of all public schools and of all 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 § 305(1) authorizes the Commissioner to enforce laws relating to the State educational system and execute Regents educational policies. Section 305(2) provides the Commissioner with general supervision over schools and authority to advise and guide school district officers in their duties and the general management of their schools.

Education Law § 3214(3)(g) establishes the authority of an impartial hearing officer relating to a change in placement to interim alternative educational settings.

Education Law § 4403 outlines the Department's responsibilities regarding special education programs and services to students with disabilities. Section 4403(3) authorizes the Department to adopt regulations as the Commissioner deems in their best interest.

Education Law § 4404 establishes the appeal procedures for students with disabilities. Subdivision (1) authorizes and requires the Commissioner to promulgate regulations relating to the qualifications, procedures and timelines for impartial hearings, as well as procedures for the suspension or revocation of impartial hearing officer certification for good cause.

Education Law § 4410(7) provides that a parent may file a written request with the board of education for an impartial hearing with respect to any matter relating to the identification, evaluation or educational placement of, or provision of a free appropriate public education to preschool students with disabilities. Subdivision (14) authorizes the Commissioner to adopt regulations to implement the such statute.

2. LEGISLATIVE OBJECTIVES:

Consistent with the above statutory authority, the purpose of the proposed amendments is to: (1) require Impartial hearing Officers (IHOs) certified to only accept cases from New York City Department of Education (NYCDOE) to certify that they will accept a minimum of 35 NYCDOE case appointments each calendar year, if offered, and will carry no more than 500 cases at any one time during each calendar year; (2) permanently allow 60 day extensions of due process cases rather than 30 day extensions currently allowable; and (3) require NYCDOE to utilize an electronic filing system for its special education due process system.

3. NEEDS AND BENEFITS:

The Department proposes to amend section 200.1(x) of the Regulations of the Commissioner of Education to require IHOs certified to accept cases from the NYCDOE to affirm in their annual certification filed with the Office of Special Education that they will accept a minimum of 35 NYCDOE case appointments each calendar year, if offered, and will carry no more than 500 cases at any one time during each calendar year. Minimum and maximum caseload requirements were previously identified in the January 2020 Regents item as a possible solution to address deficiencies in the hearing process.

While newly certified IHOs are expected to take cases upon certification, they will be given one year before being required to accept 35 cases annually from the NYCDOE, if offered. The Department may consider rescinding the certification of any IHO who was offered, but did not accept, a minimum of 35 cases. This amendment will enable the Department to maintain a list of IHOs certified to accept NYCDOE cases who accept enough cases to assist with the extremely high volume of due process complaints filed annually with the NYCDOE. It will also enable the Department to convey to IHO candidates a clear understanding of the minimum requirements expected. The Department has determined that the considerable resources required to recruit, train, and oversee a cohort of nearly 200 IHOs requires that IHOs accept at least 35 cases annually.

The Department also proposes a regulatory change to permanently allow 60 day extensions of due process cases rather than 30 day extensions allowable under 8 NYCRR 200.5(j)(5)(i). At its February 2021 meeting, the Board of Regents permanently adopted amendments to section 200.5(j)(5)(i) to allow impartial hearing officers to extend due process cases for up to 60 days rather than 30 days during the state of emergency declared for the COVID-19 crisis. At its September 2021 meeting, the Board of Regents permanently adopted amendments to section 200.5(j)(5)(i) to allow the continued flexibility of 60 days due to the COVID-19 crisis continuing to affect witnesses', administrators', and parents' availability to participate in due process hearings.

IHOs and parents have provided feedback to the Department that they prefer this flexibility as it improved IHOs' ability to concentrate on the substantive issues of their cases rather than ministerial procedural issues. The ability to grant longer extensions will aid IHOs certified to accept cases from New York City, especially as they transition to accepting at least 35 cases per year to help eliminate the waitlist. Additionally, as explained below, the NYCDOE is significantly behind in extension data entry. Allowing IHOs to issue extensions up to 60 days will potentially result in less extensions having to be entered into the NYCDOE's impartial hearing data system.

Finally, the Department is proposing a regulatory change requiring the NYCDOE to utilize an electronic filing system for its special education due process system. The volume of due process complaints filed in New York City as well as the pleadings associated with each case necessitate an electronic filing system, similar to systems used in New York State and federal courts. Currently, data is manually entered into the New York City Impartial Hearing Office's data system, causing weeks or months of delays before due process complaints, pleadings, and final determinations/orders are entered into the system. These extensive delays have made monitoring of due process timelines by NYSED's Office of Special Education nearly impossible. The NYCDOE has represented to NYSED that it supports the implementation of an electronic filing system. This proposed amendment will give the NYCDOE until January 1, 2023 to implement such a system. Once implemented, parents, school authorities, and their respective counsel or representatives will be required to submit all pleadings and other filings electronically. A waiver from this requirement will be provided to any person who establishes undue hardship, such as parents who are not represented by attorneys.

4. COSTS:

(a) Costs to State government: There are no additional costs to State government beyond those inherent in statute.

(b) Costs to local government: The proposed amendment requires NYCDOE to utilize an electronic filing system for its special education due process system. The volume of due process complaints filed in New York City as well as the pleadings associated with each case necessitate an electronic filing system, similar to systems used in New York State and federal courts. Currently, data is manually entered into the New York City Impartial Hearing Office's data system, causing weeks or months of delays before due process complaints, pleadings, and final determinations/orders are entered into the system. These extensive delays have made monitoring of due process timelines by NYSED's Office of Special Education nearly impossible. The NYCDOE has represented to NYSED that it supports the implementation of an electronic filing system. This proposed amendment will give the NYCDOE until January 1, 2023 to implement such a system.

NYSED estimates the cost of a new electronic filing system to be between \$5 and \$12 million dollars, depending on the complexity of the System. It is NYSED's expectation that existing systems or components of those systems will be utilized to save cost. This estimate is based on NYSED's review and analysis of comparable electronic filing systems in New York State.

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

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

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment requires NYCDOE to utilize an electronic filing system for its special education due process system. The volume of due process complaints filed in New York City as well as the pleadings associated with each case necessitate an electronic filing system, similar to systems used in New York State and federal courts. Currently, data is manually entered into the New York City Impartial Hearing Office's data system, causing weeks or months of delays before due process complaints, pleadings, and final determinations/orders are entered into the system. These extensive delays have made monitoring of due process timelines by NYSED's Office of Special Education nearly impossible. The NYCDOE has represented to NYSED that it supports the implementation of an electronic filing system. This proposed amendment will give the NYCDOE until January 1, 2023 to implement such a system.

6. PAPERWORK:

The proposed amendment does not impose any reporting or other paperwork requirements.

7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or federal requirements.

8. ALTERNATIVES:

The proposed amendment is necessary to address the deficiencies in the impartial hearing process by expanding the pool of IHO applicants and clarifying certain IHO duties and responsibilities. There were no significant alternatives and none were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

A Notice of Proposed Rule Making will be published in the State Register on December 1, 2021 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 March 2022 meeting. If adopted at the March 2022 meeting, the proposed amendment will become effective on March 30, 2022.

Regulatory Flexibility Analysis

(a) Small businesses:

The proposed amendment: (1) requires Impartial hearing Officers (IHOs) certified to accept cases from New York City Department of Education (NYCDOE) to certify that they will accept a minimum of 35 NYCDOE case appointments each calendar year, if offered, and will carry no more than 500 cases at any one time during each calendar year; (2) permanently allows 60 day extensions of due process cases rather than 30 day extensions currently allowable; and (3) requires NYCDOE to utilize an electronic filing system for its special education due process system. Because it is evident from the nature of the proposed amendments that they do not affect small businesses, no further measures 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.

(b) Local governments:

1. EFFECT OF RULE:

The proposed amendment primarily applies to independent IHOs certified by the State Education Department to accept cases from New York City Department of Education (NYCDOE) and NYCDOE.

2. COMPLIANCE REQUIREMENTS:

The proposed amendment: (1) requires Impartial hearing Officers (IHOs) certified to accept cases from New York City Department of Education (NYCDOE) to certify that they will accept a minimum of 35 NYCDOE case appointments each calendar year, if offered, and will carry no more than 500 cases at any one time during each calendar year; (2) permanently allows 60 day extensions of due process cases rather than 30 day extensions currently allowable; and (3) requires NYCDOE to utilize an electronic filing system for its special education due process system. Because it is evident from the nature of the proposed amendments that they do not affect small businesses, no further measures 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.

3. PROFESSIONAL SERVICES:

The proposed amendment may require NYCDOE to obtain professional services to implement an electronic filing system.

4. COMPLIANCE COSTS:

The proposed amendment requires NYCDOE to utilize an electronic filing system for its special education due process system. The volume of due process complaints filed in New York City as well as the pleadings associated with each case necessitate an electronic filing system, similar to systems used in New York State and federal courts. Currently, data is manually entered into the New York City Impartial Hearing Office's data system, causing weeks or months of delays before due process complaints, pleadings, and final determinations/orders are entered into the system. These extensive delays have made monitoring of due process timelines by NYSED's Office of Special Education nearly impossible. The NYCDOE has represented to NYSED that it supports the implementation of an electronic filing system. This proposed amendment will give the NYCDOE until January 1, 2023 to implement such a system.

NYSED estimates the cost of a new electronic filing system to be between \$5 and \$12 million dollars, depending on the complexity of the System. It is NYSED's expectation that existing systems or components of those systems will be utilized to save cost. This estimate is based on NYSED's review and analysis of comparable electronic filing systems in New York State.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed amendment requires NYCDOE to utilize an electronic filing system for its special education due process system. The NYCDOE

has represented to NYSED that it supports the implementation of an electronic filing system. This proposed amendment will give the NYCDOE until January 1, 2023 to implement such a system.

NYSED estimates the cost of a new electronic filing system to be between \$5 and \$12 million dollars, depending on the complexity of the System. It is NYSED's expectation that existing systems or components of those systems will be utilized to save cost. This estimate is based on NYSED's review and analysis of comparable electronic filing systems in New York State.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to address the unprecedented volume of special education due process complaints in the New York City due process system by setting a minimum and maximum case load and requiring NYCDOE to utilize an electronic filing system. There were no significant alternatives and none were considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Three virtual public hearings will be conducted to obtain comment on the proposed rule. In addition, copies of the proposed amendment have been provided to school districts through the offices of the district superintendents of each supervisory district in the State and to the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

The purpose of the proposed amendment is to: (1) require Impartial hearing Officers (IHOs) certified to only accept cases from New York City Department of Education (NYCDOE) to certify that they will accept a minimum of 35 NYCDOE case appointments each calendar year, if offered, and will carry no more than 500 cases at any one time during each calendar year; (2) permanently allow 60 day extensions of due process cases rather than 30 day extensions currently allowable; and (3) require NYCDOE to utilize an electronic filing system for its special education due process system.

Thus, the proposed amendment does not have any adverse economic impact entities in rural areas of New York State or impose any reporting, recordkeeping, or compliance requirements on public or private entities in rural areas. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The purpose of the proposed amendment is to: (1) require Impartial hearing Officers (IHOs) certified to only accept cases from New York City Department of Education (NYCDOE) to certify that they will accept a minimum of 35 NYCDOE case appointments each calendar year, if offered, and will carry no more than 500 cases at any one time during each calendar year; (2) permanently allow 60 day extensions of due process cases rather than 30 day extensions currently allowable; and (3) require NYCDOE to utilize an electronic filing system for its special education due process system.

Because it is evident from the nature of the proposed amendment that it will have no impact on jobs or employment opportunities attributable to its adoption or only a positive impact, no affirmative steps were needed to ascertain these facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

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

Licensure of Psychologists

I.D. No. EDU-48-21-00009-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 52.10, 72.1, 72.2, 72.3, 72.4, 72.5; addition of section 72.8 to Title 8 NYCRR.

Statutory authority: Education Law, sections 202, 212, 6504, 6506(6), 6507(2)(a), 6509, 7601, 7601-a, 7603, 7604 and 7605

Subject: Licensure of Psychologists.

Purpose: To conform New York State's licensure requirements with national standards and create a pathway for licensure by endorsement.

Substance of proposed rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>): Background: Article 153 of the Education Law establishes the licensure requirements for psychologists with doctoral degrees. The proposed amendments will conform the New York State requirements for education, experience and examination with national standards and create a pathway for licensure by endorsement for certain psychologists. The proposed amendments will also update the provisions regarding temporary practice

by a psychologist in New York State by a psychologist licensed in a jurisdiction other than this State and correct a statutory citation error in the current regulation. The following is a summary of the changes in the proposed rule:

1. 52.10 Psychology

Section 52.10 of the Regulations of the Commissioner of Education establishes the requirements for a doctoral degree in psychology that leads to licensure in New York State. The proposed amendment requires a three-year degree program to include coursework in research, ethical and legal standards, individual and cultural diversity, professional values, attitudes and behaviors, communication and interpersonal skills, assessment and diagnosis, intervention, supervision, consultation, and interprofessional/interdisciplinary skills.

2. 72.1 Professional study of psychology

Subdivision (a) of section 72.1 of the Regulations of the Commissioner of Education is amended to define an acceptable accrediting organization for doctoral programs in psychology, with standards substantially equivalent to the requirements for a New York State program leading to licensure in psychology, pursuant to section 52.10 of the Commissioner's Regulations. Subdivision (b) of section 72.1 is amended to require an applicant for licensure to present satisfactory evidence of: (1) a doctoral degree in psychology from a program registered as leading to licensure pursuant to section 52.10 of this title; or a doctoral degree in psychology from a program that is accredited by an accrediting agency acceptable to the Department; or a doctoral program in psychology that is determined by the Department to be substantially equivalent to such a New York State registered or accredited program that awards the doctoral degree in psychology; or (2) be awarded the doctoral degree in psychology from a program located outside the United States that is recognized by the appropriate authorities of the jurisdiction and determined by the Department to be substantially equivalent to a program registered pursuant to section 52.10 of the Commissioner's Regulations.

3. 72.2 Experience

Subdivision (a) of section 72.2 is amended to clarify the applicant may submit no more than 1,750 hours of supervised experience in psychology completed during the internship toward the 3,500 hours required for licensure; all remaining hours must be after the doctoral degree is awarded. The provision authorizing entry to the examination based on 1,750 hours is deleted from this section.

Paragraph (2) of subdivision (c) of section 72.2 is amended to delete an obsolete reference to experience that started on or after January 1, 1998.

Paragraph (1) of subdivision (d) of section 72.2 is amended to remove the requirement that continuous experience is at least six months and eliminate the reference to successive periods of experience.

Paragraph (2) of subdivision (d) of section 72.2 is amended to remove the obsolete reference to experience completed on or after January 1, 1998.

Paragraph (1) of subdivision (e) of section 72.2 is amended to remove the obsolete reference to January 1, 1998 and adds a requirement that the supervisor in all settings in New York State shall be licensed and registered to practice as a psychologist.

Paragraph (2) of subdivision (e) of section 72.2 is amended to delete obsolete references in subsections (i) and (ii).

Paragraph (3) of subdivision (e) of section 72.2 is amended to remove obsolete reference to January 1, 1998 and a new subparagraph (iii) is added to allow face-to-face supervision to include the use of technology acceptable to the Department, including secure video-conferencing to protect confidentiality.

4. 72.3 Licensing examination

Subdivision (a) of section 72.3 is amended to require each candidate for licensure to pass an examination offered by the Association of State and Provincial Psychology Boards and that adequately tests the candidate's knowledge concerning the practice of psychology as defined in section 7601-a of the Education Law.

Subdivision (b) of section 72.3 is amended to require a candidate to submit the application and fee for licensure and verification that the doctoral degree in psychology, as prescribed in section 72.1, has been awarded for entry to the licensing examination.

5. 72.4 Limited permits

Subdivision (a) of section 72.4 is amended to clarify that permits may be issued for practice at an authorized setting in New York State to an applicant who has met all requirements for licensure, except the examination and/or experience requirements.

Subdivision (b) is amended to require the submission of an application and fee for the limited permit.

Subparagraphs (i) and (iii) of paragraph (1) of subdivision (c) of section 72.4 is amended to require the applicant to submit the application and fee for the permit and present satisfactory evidence of having met the education requirements prescribed in section 72.1, including completion of the doctoral dissertation, and awarding of the doctoral degree in psychology.

Subparagraph (iv) of paragraph (1) of subdivision (c) of section 72.4 is

amended to require the applicant be under the supervision of a psychologist licensed and registered to practice in New York.

Paragraph (2) of subdivision (c) of section 72.4 is amended to clarify that a permit is valid for not more than 12 months, provided it may be extended for no more than two additional 12-month periods at the discretion of the Department upon submission of the permit application and fee. At the discretion of the Department, a permit may be extended for a fourth year, upon submission of the application and fee and a determination by the Department that the applicant has made good faith efforts to complete the examination and/or experience requirements. Under no circumstances can the applicant have a permit for more than 48 months.

6. 72.5 Exempt persons

Section 72.5 is amended by correcting the reference to the authorizing statute as 7605(8) and acceptable notification to the Department is defined as submitting the form prescribed by the Department and payment of a \$10 fee to identify the setting at which the out-of-state psychologist will practice in New York State, affirming that the psychologist will comply with the laws, rules and regulations that define the practice of psychology in this State.

7. 72.8 License by endorsement of certain psychologists

A new section 72.8 is added to the Regulations of the Commissioner of Education to establish standards for licensure by endorsement of a psychologist licensed in another jurisdiction. The applicant shall meet requirements, including: (a) be, at least, 21 years of age at the time of application; (b) licensed by another jurisdiction with standards equivalent to New York State, as determined by the Department; (c) completion and award of a doctoral degree in psychology; (d) completion of supervised experience that qualified the applicant for licensure in the other jurisdiction; (e) passage of an examination acceptable to the Department for the practice of psychology; (f) have at least 5 years of experience in psychology satisfactory to the State Board within the 10 years immediately preceding the application for licensure by endorsement in New York State; (g) completion of coursework in the identification and reporting of suspected child abuse or the exemption, as specified in section 6507(3) of the Education Law; (h) be of good moral character as determined by the Department; and (i) have an acceptable licensure and discipline status in each jurisdiction in which the applicant holds a professional license.

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 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Sarah S. Benson, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor EB, West Wing, Albany, NY 12234, (518) 486-1727, 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 202 of the Education Law establishes the Board of Regents.

Section 212 of the Education Law authorizes the State Education Department to charge fees for services.

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 (6) of Section 6506 of the Education Law grants the Board of Regents the authority to endorse a license issued by a licensing board of another state or country.

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.

Section 6509 of the Education Law defines professional misconduct in the practice of the professions.

Section 7601 of the Education Law defines the practice of psychology and use of the title "psychologist."

Section 7601-a of the Education Law defines the practice of psychology.

Section 7603 of the Education Law established requirements for a professional license in psychology.

Section 7604 of the Education Law authorizes the Department to issue limited permits for the profession of psychology.

Section 7605 of the Education Law provides exemption from licensure as a psychologist in New York State.

2. LEGISLATIVE OBJECTIVES:

Title VIII of the Education Law establishes the requirements for licensure, definition of practice, and unprofessional conduct in the practice of 55 professions. Article 153 establishes the requirements for doctoral education, supervised experience, and examination for licensure as a psychologist. 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 rule is to amend the Regulations of the Commissioner of Education to conform the New York State requirements for education, experience and examination with national standards and create a pathway for licensure by endorsement for certain psychologists. The proposed rule also updates the regulatory provisions regarding temporary practice by a psychologist in New York State by a psychologist licensed in a jurisdiction other than this State and correct a statutory citation error in the current regulation. It is anticipated that the proposed amendment may result in more licensed psychologists in this State, which would improve New Yorkers' access to behavioral health services.

3. NEEDS AND BENEFITS:

The purpose of the proposed rule is to amend the Regulations of the Commissioner of Education to conform the New York State requirements for education, experience and examination with national standards and create a pathway for licensure by endorsement for certain psychologists. The proposed amendments also update the regulatory provisions regarding temporary practice by a psychologist in New York State by a psychologist licensed in a jurisdiction other than this State and correct a statutory citation error in the current regulation. The proposed rule further creates an option for licensure by endorsement of a doctoral-level psychologist licensed based on equivalent standards in another state, who has practiced for five of the 10 years prior to application in this State and has no disciplinary action in other jurisdictions. These proposed changes will expedite the licensure application process, which is particularly imperative in times of public health crises, like the COVID-19 pandemic. If adopted, certain out-of-state psychologists will be licensed to practice in New York State and, most importantly, held accountable for compliance with New York State laws that protect the public.

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: The proposed amendment requires psychologists eligible for exempt practice pursuant to Education Law § 7605(8) to notify the Department of the time and place of such exempt practice and provides that acceptable notification shall be submitting a \$10 fee to the Department along with a form prescribed by the Department. Outside of this, the proposed amendment does not impose any costs on regulated parties beyond those imposed by statute.

(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 does not impose any reporting, record keeping or other requirements on applicants for licensure in psychology.

7. DUPLICATION:

There are no federal or other state rules or regulations for licensure and practice as a doctoral level psychologist.

8. ALTERNATIVES:

The proposed rule updates the requirements for licensure to reflect current education and practice of the profession, including the use of secure technology for supervision and practice. The elimination of obsolete provisions and conformance with standards in other licensed professions will facilitate the review and approval of applications for licensure in psychology. Therefore, no alternatives were considered.

9. FEDERAL STANDARDS:

There are no federal standards for licensure and practice of psychology in New York State.

10. COMPLIANCE SCHEDULE:

The proposed rule is necessary to ensure that New York State's education, experience and examination requirements for psychologist licensure conform with national standards and create a pathway for licensure by endorsement for certain psychologists. This will make it easier for New York State licensed psychologists to become licensed in another jurisdiction and facilitate the process for out-of-state psychologists, who met similar requirements in the original state, and seek to provide continued services to clients who relocated to New York State during COVID-19 pandemic.

If adopted at the March 2022 Regents meeting, the proposed amendment will become effective on March 30, 2022. It is anticipated that regulated parties will be able to comply with the proposed rule by its effective date.

Regulatory Flexibility Analysis

The purpose of the proposed rule is to amend the Regulations of the Commissioner of Education to conform the New York State requirements

for education, experience and examination with national standards and create a pathway for licensure by endorsement for certain psychologists. The proposed amendments also update the regulatory provisions regarding temporary practice by a psychologist in New York State by a psychologist licensed in a jurisdiction other than this State and correct a statutory citation error in the current regulation. The proposed rule further creates an option for licensure by endorsement of a doctoral-level psychologist licensed based on equivalent standards in another state, who has practiced for five of the 10 years prior to application in this State and has no disciplinary action in other jurisdictions. These proposed changes will expedite the licensure application process, which is particularly imperative in times of public health crises, like the COVID-19 pandemic. If adopted, certain out-of-state psychologists will be licensed to practice in New York State and, most importantly, held accountable for compliance with New York State laws that protect the public.

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 will apply to all individuals seeking licensure as a doctoral-level psychologist by amending the Regulations of the Commissioner of Education regarding the doctoral education, examination, and supervised experience requirements for licensure as a psychologist in New York State, as well as the provisions regarding temporary practice by a psychologist in New York State by a psychologist licensed in a jurisdiction other than this State. The proposed rule would also create a licensure by endorsement pathway for doctoral-level psychologists licensed based on equivalent standards in another state, who have practiced for five of the 10 years prior to application in New York State and have no disciplinary action in other jurisdictions. These proposed changes will expedite the licensure application process, which is particularly imperative in times of public health crises, like the COVID-19 pandemic. If adopted, certain out-of-state psychologists will be licensed to practice in New York State and, most importantly, held accountable for compliance with New York State laws that protect the public.

The proposed rule will apply to applicants for licensure 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. The rule will apply to all individuals seeking licensure to practice in New York State, regardless of their geographic location. There are approximately 11,730 psychologists licensed and registered to practice in New York State and 860 of them (7.3%) reported that their permanent address of record is in a rural county of the 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. The psychological effects of the pandemic and social distancing requirements continue to affect the behavioral health of individuals, families, and groups throughout New York State. The proposed rule implements provisions that allow supervised experience through the use of technology; aligns New York State education requirements with the national accreditation organization to facilitate licensure of qualified doctoral-degree applicants among jurisdictions; and creates an endorsement pathway to licensure for a psychologist licensed in another jurisdiction on the basis of standards equivalent to New York State's standards and requires, among other things at least 5 years of practice in the 10 years prior to application in this State. Individuals licensed to practice in New York State will be held accountable for compliance with New York State laws that protect the public, whether the services are provided in-person or through technology.

The proposed amendment does not impose any reporting, recordkeeping, or other requirements on applicants for licensure as psychologists or psychologists licensed in other jurisdictions seeking to practice temporarily in this State, other than the licensure requirements they must meet either under the regular licensure pathway or the endorsement licensure pathway.

The proposed rule does not impose any professional services requirements on individuals or entities in rural areas.

3. COSTS:

The proposed amendment requires psychologists eligible for exempt practice pursuant to Education Law § 7605(8) to notify the Department of the time and place of such exempt practice and provides that acceptable notification shall be submitting a \$10 fee to the Department along with a form prescribed by the department. Beyond this, the proposed amendment

does not impose any costs on regulated parties, including those in rural areas, beyond those imposed by statute.

4. MINIMIZING ADVERSE IMPACT:

The requirements for licensure as a doctoral-level psychologist are the same, regardless of the applicant's location (inside or outside New York State) or intention to practice in New York State in-person and/or through secure technology. Thus, the Department has determined that the proposed rule's requirements should apply to all applicants for psychologist licensure, regardless of their geographic location, to help ensure a uniform standard of licensure for practice across the State. Because of the nature of the proposed rule, alternative approaches for rural areas were not considered.

5. RURAL AREA PARTICIPATION:

The proposed rule was developed after discussions with organizations, including statewide organizations, representing all parties having an interest in the practice of licensed psychologists. These organizations included the State Board for Psychology and professional associations representing the psychology profession. These groups have members who live or work in rural areas.

Job Impact Statement

The purpose of the proposed rule is to amend the Regulations of the Commissioner of Education to conform the New York State requirements for education, experience and examination with national standards and create a pathway for licensure by endorsement for certain psychologists. The proposed amendments also update the regulatory provisions regarding temporary practice by a psychologist in New York State by a psychologist licensed in a jurisdiction other than this State and correct a statutory citation error in the current regulation. The proposed rule further creates an option for licensure by endorsement of a doctoral-level psychologist licensed based on equivalent standards in another state, who has practiced for five of the 10 years prior to application in this State and has no disciplinary action in other jurisdictions. These proposed changes will expedite the licensure application process, which is particularly imperative in times of public health crises, like the COVID-19 pandemic. If adopted, certain out-of-state psychologists will be licensed to practice in New York State and, most importantly, held accountable for compliance with New York State laws that protect the public.

The proposed amendment will not have a substantial impact on jobs and employment opportunities. However, it is anticipated that it may result in an increase in the numbers of licensed psychologists in this State. 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.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Definition of the Term "year of Experience" for Permanent or Professional Certification

I.D. No. EDU-48-21-00010-P

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

Proposed Action: Amendment of section 80-1.1 of Title 8 NYCRR.

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

Subject: Definition of the term "year of experience" for permanent or professional certification.

Purpose: To streamline the definition of "year of experience" for permanent or professional certification.

Text of proposed rule: 1. Paragraph (47) of subdivision (b) of section 80-1.1 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(47) Year of experience for permanent or professional certification means [the following:

(i) a minimum of 180 days of full-time, continuous school experience in the subject or area of certification completed within a 12-month period;

(ii) a minimum of 180 days of full-time continuous school experience in the subject or area of certification completed in periods of no less than 90 days each within a 12-month period;

(iii) a minimum of 360 days of part-time continuous school experience consisting of an average of 2.5 days per week in the subject or area of certification and completed in periods of no less than 90 days each within a 12-year period; or

(iv) a minimum of 360 days of part-time school experience, which shall include at least 45 days of part-time continuous school experience within a 12-year period in the subject area of the certificate sought, consisting of at least of one class period each day with a consistent group of students during such time period. *a minimum of 180 days in a 12-month period of full-time satisfactory experience, or its equivalent, in an educational setting acceptable to the Department.*

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) 474-2238, 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 pertaining to certification and licensing requirements of a classroom teacher.

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 § 207 grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law § 208 authorizes the Board of Regents to confer certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed by them.

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 institute such proceedings and processes as may be necessary to enforce and implement any law pertaining to the school system of the state or any part thereof or to any school district or city.

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 is consistent with the above-mentioned statutory authority. The purpose of the proposed amendment to section 80-1.1 of the Regulations of the Commissioner of Education is to provide more flexibility in calculating a year of experience, permitting a variety of part-time experiences that could be equivalent to 180 or more days of full-time experience in a 12-month period.

3. NEEDS AND BENEFITS:

Candidates in the classroom teaching, educational leadership, and pupil personnel service must complete at least two years of acceptable experience for the Permanent certificate and at least three years of experience for the Professional certificate. Section 80-1.1(b)(47) of the Commissioner's regulations currently defines a year of experience for Permanent or Professional certification as:

- a minimum of 180 days of full-time, continuous school experience in the subject or area of certification completed within a 12-month period;
- a minimum of 180 days of full-time continuous school experience in the subject or area of certification completed in periods of no less than 90 days each within a 12-month period;
- a minimum of 360 days of part-time continuous school experience consisting of an average of 2.5 days per week in the subject or area of certification and completed in periods of no less than 90 days each within a 12-year period; or
- a minimum of 360 days of part-time school experience, which shall include at least 45 days of part-time continuous school experience within a 12-year period in the subject area of the certificate sought, consisting of at least of one class period each day with a consistent group of students during such time period.

This definition requires candidates to have school experience in the subject area of the Permanent or Professional certificate sought. The experience must also be continuous for a minimum number of days within a 12-month period. In addition, the definition only permits four ways to

calculate a year of experience and does not allow for many other types of experiences that educators may complete.

To allow for additional types of experiences, the Department is proposing to revise the definition to provide a single definition of a year of experience for Permanent or Professional certification, which would be defined as:

- a minimum of 180 days in a 12-month period of full-time satisfactory experience, or its equivalent, in an educational setting acceptable to the Department.

The proposed definition provides more flexibility in calculating a year of experience, permitting a variety of part-time experiences that could be equivalent to 180 or more days of full-time experience in a 12-month period. The definition would no longer require periods of continuous experience or experience in the subject area of the certificate sought. For example, substitute teaching experience that is not continuous and/or not in the subject area of the certificate sought could nevertheless be considered towards a year of experience.

The proposed definition would also allow for experience in educational settings acceptable to the Department other than schools, such as specified early childhood settings. In addition, the proposed definition is less convoluted and similar to the streamlined definition of a “year of occupational or work experience” listed in section 80-1.1(b)(48) of the Commissioner’s regulations as “a minimum of 10 months in a calendar year of full-time satisfactory employment in an appropriate occupational field.”

By allowing additional types of experiences in the definition of a year of experience, more candidates would have their experiences considered for their Permanent and Professional certificate applications and the number of qualified candidates who receive these certificates would increase during this time of educator shortages. Candidates would continue to need to meet the experience requirement for the Permanent or Professional certificate sought, which may include experience in schools and/or specific areas.

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:

The proposed amendment necessary to provide more flexibility in calculating a year of experience, permitting a variety of part-time experiences that could be equivalent to 180 or more days of full-time experience in a 12-month period. Therefore, 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 March 2022 meeting. If adopted at the March 2022 meeting, the proposed amendment will become effective on March 30, 2022. It is anticipated that regulated parties can achieve compliance with the proposed rule 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 section 80-1.1 of the Regulations of the Commissioner of Education relating to the definition of a year of experience for Permanent or Professional Certification is to provide more flexibility in calculating a year of experience, permitting a variety of part-time experiences that could be equivalent to 180 or more days of full-time experience in a 12-month period.

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.

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 purpose of the proposed amendment to section 80-1.1 of the Regulations of the Commissioner of Education relating to the definition of a year of experience for Permanent or Professional Certification is to provide more flexibility in calculating a year of experience, permitting a variety of part-time experiences that could be equivalent to 180 or more days of full-time experience in a 12-month period.

Candidates in the classroom teaching, educational leadership, and pupil personnel service must complete at least two years of acceptable experience for the Permanent certificate and at least three years of experience for the Professional certificate. Section 80-1.1(b)(47) of the Commissioner’s regulations currently defines a year of experience for Permanent or Professional certification as:

- a minimum of 180 days of full-time, continuous school experience in the subject or area of certification completed within a 12-month period;
- a minimum of 180 days of full-time continuous school experience in the subject or area of certification completed in periods of no less than 90 days each within a 12-month period;
- a minimum of 360 days of part-time continuous school experience consisting of an average of 2.5 days per week in the subject or area of certification and completed in periods of no less than 90 days each within a 12-year period; or
- a minimum of 360 days of part-time school experience, which shall include at least 45 days of part-time continuous school experience within a 12-year period in the subject area of the certificate sought, consisting of at least of one class period each day with a consistent group of students during such time period.

This definition requires candidates to have school experience in the subject area of the Permanent or Professional certificate sought. The experience must also be continuous for a minimum number of days within a 12-month period. In addition, the definition only permits four ways to calculate a year of experience and does not allow for many other types of experiences that educators may complete.

To allow for additional types of experiences, the Department is proposing to revise the definition to provide a single definition of a year of experience for Permanent or Professional certification, which would be defined as:

- a minimum of 180 days in a 12-month period of full-time satisfactory experience, or its equivalent, in an educational setting acceptable to the Department.

The proposed definition provides more flexibility in calculating a year of experience, permitting a variety of part-time experiences that could be equivalent to 180 or more days of full-time experience in a 12-month period. The definition would no longer require periods of continuous experience or experience in the subject area of the certificate sought. For example, substitute teaching experience that is not continuous and/or not in the subject area of the certificate sought could nevertheless be considered towards a year of experience.

The proposed definition would also allow for experience in educational settings acceptable to the Department other than schools, such as specified early childhood settings. In addition, the proposed definition is less convoluted and similar to the streamlined definition of a “year of occupational or work experience” listed in section 80-1.1(b)(48) of the Commissioner’s regulations as “a minimum of 10 months in a calendar year of full-time satisfactory employment in an appropriate occupational field.”

By allowing additional types of experiences in the definition of a year of experience, more candidates would have their experiences considered for their Permanent and Professional certificate applications and the number of qualified candidates who receive these certificates would increase during this time of educator shortages. Candidates would continue to need to meet the experience requirement for the Permanent or Professional certificate sought, which may include experience in schools and/or specific areas.

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 amendments apply equally to all institutions of higher education, regardless of location or size. 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 section 80-1.1 of the Regulations of the Commissioner of Education relating to the definition of a year of experience for Permanent or Professional Certification is to provide more flexibility in calculating a year of experience, permitting a variety of part-time experiences that could be equivalent to 180 or more days of full-time experience in a 12-month period. 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.

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

School Districts' Exemption from the Establishment of an Internal Audit Function

I.D. No. EDU-48-21-00011-P

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

Proposed Action: Amendment of section 170.12 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 305 and 2116-b

Subject: School districts' exemption from the establishment of an internal audit function.

Purpose: To align the student enrollment number for eligibility for such exemption with the applicable statute.

Text of proposed rule: Paragraph (3) of subdivision (b) of section 170.12 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(3) Exemption.

(i) The following school districts shall be exempt from the requirements of this subdivision:

(a) districts employing fewer than eight teachers;

(b) districts with actual general fund expenditures totaling less than \$5 million in the previous school year; or

(c) districts with actual enrollment of less than [300] 1,500 students in the previous school year.

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) 474-2238, email: legal@nysed.gov

Data, views or arguments may be submitted to: James Kampf, Director of Audit Services, NYS Education Department, 89 Washington Ave., 475 EBA, Albany, NY 12234, (518) 486-5212, 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 305(1) and (2) provide the Commissioner, as chief executive officer of the State's education system, with general supervision over all schools and institutions subject to the Education Law, or any statute relating to education, and responsibility for executing all educational policies of the Regents.

Section 2116-b(2) of the Education Law, as amended by Chapter 57 of the Laws of 2013, increased the number of enrolled students required for a school district to be eligible for an exemption to the internal audit function requirement.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to align the Commissioner's regulations with the statutory requirements of Education Law section 2116-b(2).

3. NEEDS AND BENEFITS:

Chapter 263 of the Laws of 2005 (Chapter 263) added section 2116-b to the Education Law, requiring that each school district establish an internal audit function. Subdivision two of such section provides an exemption for

the internal audit function for school districts that meet certain criteria. Chapter 263 provides that school districts with fewer than 8 teachers, less than \$5 million in general fund expenses in the previous year, or fewer than 300 enrolled students in the previous year are exempt from the internal audit requirements. The 2013 Enacted State Budget (Chapter 57 of the Laws of 2013) amended Education Law § 2116-b(2) by increasing the number of enrolled students to be eligible for an exemption to the internal audit function requirement from 300 to 1,500 students. Due to an oversight, section 170.12(b)(3) of the Commissioner's regulations was never updated to reflect this change.

Therefore, to align the Commissioner's regulations with the amendments made to Education Law § 2116-b(2), the Department proposes to amend section 170.12(b)(3) of the Commissioner's regulations to provide that districts with actual enrollment of less than 1,500 students in the previous school year are exempt from the internal audit function requirement.

4. COSTS:

a. Costs to State government: The amendments do not impose any costs on State government.

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: There are no additional costs to the State Education Department.

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:

The proposed amendment is necessary to align the Commissioner's regulations with Education Law § 2116-b(2). There are no significant alternatives to the proposed amendment and none 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 permanent adoption at its March 2022 meeting. If adopted at the March 2022 meeting, the proposed amendment will become effective as a permanent rule on March 30, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

(a) Small businesses:

The proposed rule is necessary to implement Education Law § 2116-b, as amended by Chapter 57 of the Laws of 2013, which provides an exemption from the requirements to create an internal audit function for school districts with less than 1,500 students. Due to an oversight, the regulations were never enacted to reflect the statutory changes. The proposed rule does not impose any economic impact, or other compliance requirements on small businesses. Because it is evident from the nature of the proposed rule that it does not affect small businesses, no further measures 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.

(b) Local governments:

1. EFFECT OF RULE:

The proposed rule applies to all public school districts with fewer than 1,500 students.

2. COMPLIANCE REQUIREMENTS:

The proposed rule exempts school districts with fewer than 1,500 students from creating an internal audit function.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional service requirement on local governments.

4. COMPLIANCE COSTS:

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

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional technological requirements on local governments. Economic feasibility is discussed above in the Compliance Costs section.

6. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement Education Law § 2116-b, as amended by Chapter 57 of the Laws of 2013. There were no significant alternatives considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule will be solicited from school districts through the offices of the district superintendents of each supervisory district in the State.

Rural Area Flexibility Analysis

The purpose of the proposed amendment to section 170.12 of the Regulations of the Commissioner of Education is to conform the Commissioner's regulations with the statutory changes enacted by Chapter 57 of the Laws 2013 exempting school districts with fewer than 1,500 students from establishing an internal audit function.

Thus, the proposed amendment does not have any adverse economic impact entities in rural areas of New York State or impose any reporting, recordkeeping, or compliance requirements on public or private entities in rural areas. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The purpose of the proposed amendment to section 170.12 of the Regulations of the Commissioner of Education is to conform the Commissioner's regulations with the statutory changes enacted by Chapter 57 of the Laws 2013 exempting school districts with fewer than 1,500 students from establishing an internal audit function. Because it is evident from the nature of the rule that it will not affect job and employment opportunities, no 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.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Records Retention and Disposition Schedules

I.D. No. EDU-48-21-00013-P

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

Proposed Action: Amendment of sections 185.5, 185.15; repeal of sections 185.11, 185.12, 185.13, 185.14, Appendices H, I, J, K, L; addition of new Appendix L to Title 8 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

Statutory authority: Education Law, section 207; Arts and Cultural Affairs Law, sections 57.19, 57.25 and 57.29

Subject: Records retention and disposition schedules.

Purpose: To revise records retention and disposition schedule LGS-1 and to remove superseded disposition schedules.

Substance of proposed rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>): The Commissioner of Education proposes to amend sections 185.5, 185.15 and repeal section 185.11, 185.12, 185.13, and 185.14 of the Regulations of the Commissioner of Education and repeal appendices H, I, J, K, and L and add revised appendix L. The proposed amendment revises records retention and disposition schedule LGS-1 for use by cities, towns, villages, fire districts, counties, school districts, boards of cooperative educational services, teacher resource and computer training centers, county vocational education and extension boards, and other local governments; repeals superseded schedules; and makes conforming amendments.

The revisions to the records retention and disposition schedule LGS-1 include:

- a reduction of the retention period for state assessments from 2 years to 1 year (item 908 and 948c) and elimination of unused exams item (item 913);
- a reduction of the retention period for license plate reader data from 20 years to 1 year (item 1241) to align with NYS Municipal Police Training Council's License Plate Readers Model Policy (March 2021)¹;
- a reduction of retention periods for negative health screening reports and logs relating to COVID-19 and other screening programs from 1 year to 30 days (item 792);
- updates to cooperative extension records items, as proposed by Cornell University and NYS Office of Temporary and Disability Assistance, to reflect policy and program requirements (items 244-249);
- technical corrections, such as typographical errors (items 200, 575, 636, 644, 645, 948), truncation of text (item 291, 1234), clarification of text (Library/Library System section note, items 910 and 915), and omission of cross references to previous schedule items, (items 43, 254, and 513); and
- restoration of items (items 280b and 1036d) and heading (Public

Safety; Law Enforcement: Motor Vehicles (including watercraft)) that appeared in previous schedules or memos which were inadvertently omitted.

¹ The License Plate Readers Model Policy can be found at: <https://www.criminaljustice.ny.gov/crimnet/ojsa/standards/MPTC%20LPR%20Model%20Policy%202021.pdf>

Text of proposed rule and any required statements and analyses may be obtained from: Thomas Ruller, NYS Education Department, Cultural Education Center, 222 Madison Ave, Room 9B52, Albany NY, 12230, (518) 474-5561, email: REGCOMMENTS@nysed.gov

Data, views or arguments may be submitted to: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

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

Reasoned Justification for Modification of the Rule

In the Department's January 2021 publication of its Review of Existing Rules (published in the January 27, 2021 publication of the State Register), the Department reviewed a rule which amended sections 185.5, 185.13 and 185.14 of the Commissioner's Regulations, regarding records retention. The rule substantially revised schedules CO-2 and MI-1 since they were last issued in 2002. The major revisions in both schedules were new Community College sections appearing in each, authorizing the disposition of records held by New York's community colleges. In addition to updating the community college sections of the two schedules, other sections in Schedules CO-2 and MI-1 were also updated based on changes to record keeping systems since the 2002 editions.

The Department has determined that this rule should be modified since, at the July 2020 meeting of the Board of Regents, the Board adopted a new records retention and disposition schedule, LGS-1 for use by cities, towns, villages, fire districts, counties, school districts, boards of cooperative educational services, teacher resource and computer training centers, county vocational education and extension boards, and other local governments. This schedule supersedes the CO-2 and MI-1 schedules referenced above.

Therefore, this proposed rule, among other things, repeals these superseded record retention and disposition schedules, as well as additional superseded records retention and disposition schedules (MU-1 and ED-1), contained in sections 185.11, 185.12, 185.13, and 185.14 of the Regulations of the Commissioner of Education and appendices H, I, J, and K of Title 8 of the New York Code of Rules and Regulations.

The Department did not receive any public comment on the rule included in the Department's January 2021 Review of Existing Rules publication. The Department is proposing to modify this rule because of the LGS-1 records retention and disposition schedule has effectively rendered the superseded records retention and disposition schedules obsolete. Changes in technology, economic conditions, time required to comply, and/or other factors did not necessitate changes in the rule.

Regulatory Impact Statement**1. STATUTORY AUTHORITY:**

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

Arts and Cultural Affairs Law § 57.19 requires each local government to designate one local officer as records management officer.

Arts and Cultural Affairs Law § 57.25 authorizes the Commissioner of Education to adopt local government records retention and disposition schedules by regulation. Arts and Cultural Affairs Law § 57.29 allows for the reproduction of records by microphotography or other means and provides for the subsequent disposition of the originals.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment to sections 185.5, 185.15 and repeal of section 185.11, 185.12, 185.13, and 185.14 of the Regulations of the Commissioner of Education and repeal of appendices H, I, J, K, and L and addition of revised appendix L is consistent with the above statutory authority as it: revises records retention and disposition schedule LGS-1 for use by cities, towns, villages, fire districts, counties, school districts, boards of cooperative educational services, teacher resource and computer training centers, county vocational education and extension boards, and other local governments; repeals superseded schedules; and makes conforming amendments.

3. NEEDS AND BENEFITS:

Article 57-A of the Arts and Cultural Affairs Law defines the oversight and advisory services to be provided to local governments by the Commissioner of Education for planning and administering programs for the creation, maintenance, preservation, reproduction, retention, and disposition of their records; to advise local governments on the development of micrographics systems, automated data processing systems, and other systems that rely on technology to create, store, manage, and reproduce information or records; and to advise local governments on the preserva-

tion and use of vital records and records of enduring value for historical or other research purposes.

At the July 2020 meeting of the Board of Regents, the Department revised and updated requirements for the management and oversight of local government records, by adding a new records retention and disposition schedule, LGS-1, for use by cities, towns, villages, fire districts, counties, school districts, boards of cooperative educational services, teacher resource and computer training centers, county vocational education and extension boards, and miscellaneous local governments.

The July amendment to section 185.5 of the Commissioner's regulations required that the governing body of each affected local government adopt the new records retention schedule LGS-1 no later than January 1, 2021. Therefore, since the prior records retention and disposition schedules, MU-1, ED-1, CO-2, and MI-1, have been superseded by LGS-1, the Department now proposes to repeal sections 185.11, 185.12, 185.13, and 185.14 of the Commissioner's regulations as well as Appendices H, I, J, K which contained the superseded schedules.

Additionally, the Department now proposes revisions to the LGS-1 records retention and disposition schedule. These revisions include:

- a reduction of the retention period for state assessments from 2 years to 1 year (item 908 and 948c) and elimination of unused exams item (item 913);
- a reduction of the retention period for license plate reader data from 20 years to 1 year (item 1241) to align with NYS Municipal Police Training Council's License Plate Readers Model Policy (March 2021)¹;
- a reduction of retention periods for negative health screening reports and logs relating to COVID-19 and other screening programs from 1 year to 30 days (item 792);
- updates to cooperative extension records items, as proposed by Cornell University and NYS Office of Temporary and Disability Assistance, to reflect policy and program requirements (items 244-249);
- technical corrections, such as typographical errors (items 200, 575, 636, 644, 645, 948), truncation of text (item 291, 1234), clarification of text (Library/Library System section note, items 910 and 915), and omission of cross references to previous schedule items, (items 43, 254, and 513); and
- restoration of items (items 280b and 1036d) and heading (Public Safety: Law Enforcement: Motor Vehicles (including watercraft)) that appeared in previous schedules or memos which were inadvertently omitted.

Therefore, the proposed amendment repeals Appendices L and replaces with a revised Appendix L containing the above revisions.

4. COSTS:

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

b. Costs to local government: The amendment does not impose any costs on local government beyond those imposed by statute.

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 beyond those inherent in statute.

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements other than those inherent in statute.

7. DUPLICATION:

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

8. ALTERNATIVES:

Local governments in New York are currently required to comply with records management requirements of the Commissioner of Education. The proposed amendment is necessary to revise and update requirements for the management and oversight of local government records. There were no significant alternatives and none were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed amendment will be presented for adoption at the March 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the March meeting, the proposed amendment will become effective on March 30, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendment by such date.

¹ The License Plate Readers Model Policy can be found at: <https://www.criminaljustice.ny.gov/crimnet/ojsa/standards/MPTC%20LPR%20Model%20Policy%202021.pdf>

Regulatory Flexibility Analysis

(a) Small Businesses:

The proposed amendment relates solely to local government records management and does not impose any reporting, recordkeeping or other compliance requirements on small businesses, nor will it impose any adverse economic impact on them. Because it is evident from the nature of the proposed amendment that it will not affect small businesses, 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 was not prepared.

(b) Local Government:

EFFECT OF RULE:

The proposed amendment will affect all local governments in New York that are subject to the records management requirements of the Commissioner of Education. The amendment proposes a revised records retention and disposition schedule, Schedule LGS-1.

COMPLIANCE REQUIREMENTS:

Local governments in New York are currently required to comply with records management requirements of the Commissioner of Education. The proposed amendment to sections 185.5, 185.15 and repeal of section 185.11, 185.12, 185.13, and 185.14 of the Regulations of the Commissioner of Education and repeal of appendices H, I, J, K, and L and addition of revised appendix L is consistent with the above statutory authority as it: revises records retention and disposition schedule LGS-1 for use by cities, towns, villages, fire districts, counties, school districts, boards of cooperative educational services, teacher resource and computer training centers, county vocational education and extension boards, and other local governments; repeals superseded schedules; and makes conforming amendments. The revisions to schedule LGS-1 are as follows:

- a reduction of the retention period for state assessments from 2 years to 1 year (item 908 and 948c) and elimination of unused exams item (item 913);
- a reduction of the retention period for license plate reader data from 20 years to 1 year (item 1241) to align with NYS Municipal Police Training Council's License Plate Readers Model Policy (March 2021)¹;
- a reduction of retention periods for negative health screening reports and logs relating to COVID-19 and other screening programs from 1 year to 30 days (item 792);
- updates to cooperative extension records items, as proposed by Cornell University and NYS Office of Temporary and Disability Assistance, to reflect policy and program requirements (items 244-249);
- technical corrections, such as typographical errors (items 200, 575, 636, 644, 645, 948), truncation of text (item 291, 1234), clarification of text (Library/Library System section note, items 910 and 915), and omission of cross references to previous schedule items, (items 43, 254, and 513); and
- restoration of items (items 280b and 1036d) and heading (Public Safety: Law Enforcement: Motor Vehicles (including watercraft)) that appeared in previous schedules or memos which were inadvertently omitted.

PROFESSIONAL SERVICES:

The proposed amendment proposes no additional professional services requirements on local governments other than those already required by law.

COMPLIANCE COSTS:

The proposed amendments will not impose any compliance costs on local governments other than those inherent in statute.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional technological requirements on local governments. Economic feasibility is addressed under the Compliance Costs section above.

MINIMIZING ADVERSE IMPACT:

Local governments in New York are currently required to comply with records management requirements of the Commissioner of Education. The proposed amendments is necessary to revise and update requirements for the management and oversight of local government records. There were no significant alternatives and none were considered.

LOCAL GOVERNMENT PARTICIPATION:

The proposed amendment have been provided for review and approval to the Local Government Records Advisory Council, established by State law to advise the Commissioner of Education on records management matters.

¹ The License Plate Readers Model Policy can be found at: <https://www.criminaljustice.ny.gov/crimnet/ojsa/standards/MPTC%20LPR%20Model%20Policy%202021.pdf>

Rural Area Flexibility Analysis

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed amendment will apply to all municipalities and miscellaneous local governments in New York State, including the 44 rural counties with less than 200,000 inhabitants and the urban counties with a population density of 150 per square mile or less.

REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS AND PROFESSIONAL SERVICES:

Local governments in New York are currently required to comply with records management requirements of the Commissioner of Education. The proposed amendment to sections 185.5, 185.15 and repeal of section 185.11, 185.12, 185.13, and 185.14 of the Regulations of the Commissioner of Education and repeal of appendices H, I, J, K, and L and addition of revised appendix L is consistent with the above statutory authority as it: revises records retention and disposition schedule LGS-1 for use by cities, towns, villages, fire districts, counties, school districts, boards of cooperative educational services, teacher resource and computer training centers, county vocational education and extension boards, and other local governments; repeals superseded schedules; and makes conforming amendments. The proposed amendment proposes no additional professional services requirements on local governments, other than those already required by law.

The revisions to schedule LGS-1 are as follows:

- a reduction of the retention period for state assessments from 2 years to 1 year (item 908 and 948c) and elimination of unused exams item (item 913);
- a reduction of the retention period for license plate reader data from 20 years to 1 year (item 1241) to align with NYS Municipal Police Training Council’s License Plate Readers Model Policy (March 2021)¹;
- a reduction of retention periods for negative health screening reports and logs relating to COVID-19 and other screening programs from 1 year to 30 days (item 792);
- updates to cooperative extension records items, as proposed by Cornell University and NYS Office of Temporary and Disability Assistance, to reflect policy and program requirements (items 244-249);
- technical corrections, such as typographical errors (items 200, 575, 636, 644, 645, 948), truncation of text (item 291, 1234), clarification of text (Library/Library System section note, items 910 and 915), and omission of cross references to previous schedule items, (items 43, 254, and 513); and
- restoration of items (items 280b and 1036d) and heading (Public Safety: Law Enforcement: Motor Vehicles (including watercraft)) that appeared in previous schedules or memos which were inadvertently omitted.

COMPLIANCE COSTS:

The proposed amendments revises records retention and disposition schedule, Schedule LGS-1, but will not impose any compliance costs on local governments other than those inherent in statute.

MINIMIZING ADVERSE IMPACT:

The proposed amendment will have no adverse impact on municipalities and miscellaneous local governments in rural areas or elsewhere in New York State. Local governments in New York are currently required to comply with records management requirements of the Commissioner of Education. The proposed amendments are necessary to revise and update requirements for the management and oversight of local government records. Therefore, no alternatives were considered for those located in rural areas of the State.

RURAL AREA PARTICIPATION:

The proposed amendment has been provided for review and approval to the Local Government Records Advisory Council, established by State law to advise the Commissioner of Education on records management matters, and which includes members from rural areas.

¹ The License Plate Readers Model Policy can be found at: <https://www.criminaljustice.ny.gov/crimnet/ojsa/standards/MPTC%20LPR%20Model%20Policy%202021.pdf>

Job Impact Statement

The proposed amendment relates solely to local government records management and will not have an adverse impact on jobs or employment opportunities. Because it is evident from the nature of the proposed amendment that it will have no impact on jobs or employment opportunities, no further measures were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Environmental Conservation

NOTICE OF ADOPTION

Zoar Valley Multiple Use Area Including Zoar Valley Unique Area and Onondaga Escarpment Unique Area

I.D. No. ENV-31-21-00001-A

Filing No. 1166

Filing Date: 2021-11-16

Effective Date: 2021-12-01

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

Action taken: Amendment of section 190.25; addition of section 190.10(h) to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101(3)(b), 3-0301(1)(d), (2)(m), (3)(b), 9-0105(1), (3), 45-0111(6), 45-0117(1) and (2)(n)

Subject: Zoar Valley Multiple Use Area including Zoar Valley Unique Area and Onondaga Escarpment Unique Area.

Purpose: To protect public health, safety, general welfare and natural resources on the Zoar Valley MUA/UA and the Onondaga Escarpment Unique Area.

Text or summary was published in the August 4, 2021 issue of the Register, I.D. No. ENV-31-21-00001-EP.

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

Text of rule and any required statements and analyses may be obtained from: Patrick Marren, NYS DEC, 270 Michigan Avenue, Buffalo, NY 14203, (716) 851-7046, email: dec.sm.R9.LFRregs@dec.ny.gov

Additional matter required by statute: A Short EAF was prepared in compliance with Article 8 of the ECL.

Initial Review of Rule

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

Assessment of Public Comment

A Notice of Emergency Adoption and Proposed Rule Making was published in the New York State Register on August 4, 2021. The public comment period closed October 3, 2021. In total, 98 individual commenters responded. No comments were received relating to the Onondaga Escarpment Unique Area. Issues and concerns have been grouped because they are related, or for the convenience in providing an efficient response. DEC’s response is provided for each issue. Numbers in parenthesis indicate the number of related comments received.

COMMENT: Commenter supports the 15-foot restriction from the cliff’s edge at Zoar Valley MUA/UA. (1)

RESPONSE: Thank you for contributing a comment. We appreciate your input and interest.

COMMENT: Commenters oppose the restricted area on the South Branch of Cattaraugus Creek at Zoar Valley MUA/UA and assert that the existing rules are sufficient to protect private property rights. (3)

RESPONSE: Private properties at the southern end of Zoar Valley MUA/UA on the South Branch of Cattaraugus Creek are the location of many search and rescue operations. The Department continues to field complaints from neighboring landowners with concerns about property damage to their properties, trash accumulation, and threats of physical violence. Designating this area as restricted will allow Department staff, including law enforcement personnel, a better opportunity to reduce the need for search and rescue operations and prevent intentional trespassing onto neighboring properties.

COMMENT: Commenters oppose exceptions for ice climbing. (2)

RESPONSE: The Department appreciates the comment, however, this limited exception is similar to 190.36 for the Northern Catskill Riparian Area and no revisions are necessary.

COMMENT: Commenters support ice climbing and rappelling by rope exceptions. (37)

RESPONSE: Thank you for contributing a comment. We appreciate your input and interest.

COMMENT: Commenters oppose the 15-foot restriction from the cliff’s edge at Zoar Valley MUA/UA because will prevent views of the valley. (6)

RESPONSE: The regulations are intended to preserve the natural resource and protect public safety. The designated and marked trails on the Erie County side of the property still afford views of the valley and the trail planned at Valentine Flats will include overlooks and/or vistas of the valley.

COMMENT: Several commenters suggest using geologic data to identify areas of instability and adjust the 15-foot restriction from the cliff's edge at Zoar Valley MUA/UA based on that data. (14)

RESPONSE: The Zoar Valley MUA/UA encompasses approximately 15 miles of the top of the gorge along the Cattaraugus Creek and the South Branch of Cattaraugus Creek. The Department reviewed soil data from the United States Department of Agriculture which informed the 15-foot setback restriction. Having areas with different setback rules will create visitor confusion and make enforcement difficult.

COMMENT: Commenter opposes restrictions to "Knife Edge Ridge", "Point Peter" and "Pyramid Hill" at Zoar Valley MUA/UA. (1)

RESPONSE: The Knife Edge Ridge (also known as the hogback ridge), is a shale cliff and talus slope ecological community, characterized by steep, unstable, and eroding shale and siltstone. In addition to public safety concerns for visitors entering this area, the DEC is committed to protecting this sensitive site from recreational overuse. Regarding the commenter's reference to Point Peter, it is believed they are referring to Overlook Point (a.k.a. Valentine Point). This feature has experienced tremendous resource pressure from decades of unregulated use. The soils in the area are heavily compacted from overuse. Tree roots are exposed from the constant foot traffic to the site leading to a concern for tree health. Additionally, parts of Overlook Point are undercut and held precariously by the trees growing there. Pyramid Hill on Valentine Flats is a unique geological feature. There is no authorized, designated trail up the hill.

COMMENT: Commenters suggest that access to restricted areas at Zoar Valley MUA/UA should be permissible for those who pay for annual pass, complete a safety course, belong to a hiking association or by permit. (3)

RESPONSE: The proposed regulations include exceptions to authorize access to restricted areas by a DEC issued permit. Permits may be authorized if the requested use is compatible with public safety and protecting the natural resource.

COMMENT: Educating the public is a better solution than punishing those acting responsibly. (8)

RESPONSE: The DEC is committed to educating the public about the responsible use of state lands. In 2021, DEC hired additional seasonal staff in the summer of 2021 to provide outreach and increase contact with the recreating public. The DEC is committed to pursuing volunteer stewardship opportunities to increase public education and protection of the resource.

COMMENT: Commenter expressed frustration with a virtual public meeting held on September 15, 2021 and requests an extension of the public comment period until after a public meeting on the proposed regulations. (1)

RESPONSE: A public hearing was not required for this proposed rulemaking for which the Department held the required 60-day public comment period from August 4, 2021 to October 3, 2021. Separate from the proposed regulation, the Department held a webinar on September 15, 2021 to share information related to the Draft Niagara Frontier Unit Management Plan. Because the Draft UMP relates to the area impacted by this rulemaking, and in an effort to support transparency the proposed and emergency regulations were discussed.

COMMENT: Commenters opposed the proposed regulation asserting that those who know how to be safe and respect the area should not be restricted at Zoar Valley MUA/UA. (3)

RESPONSE: The regulation is intended to protect public safety and the natural resource and applies equally to all visitors.

COMMENT: Commenter recommends that DEC should limit the number of people allowed at Zoar Valley MUA/UA per day. (1)

RESPONSE: The DEC has considered a permitting system to limit the number of visitors, similar to the Peekamoose Valley Riparian Corridor in Sundown Wild Forest, Ulster County. The proposed regulation is intended to protect public safety and protect the natural resource without restricting overall public access. However, the Department will continue to monitor visitor use and safety and may consider other actions to protect natural resources and public safety.

COMMENT: Several commenters expressed support for the regulations and support their final adoption. (25)

RESPONSE: Thank you for your comment. We appreciate your input and interest.

COMMENT: Commenters indicated that the restricted areas depicted on the last page of the Draft UMP encompass more area than the "Gorge Walls" on the map's index. The map should be re-printed. (12)

RESPONSE: The map in the Draft UMP is not the subject of this proposed rulemaking and is intended as a reference for informational purposes only. Therefore, no amendments to the regulation are necessary.

COMMENT: Commenter opposes limiting access to the creek via the Valentines Flat Trail. (1)

RESPONSE: Currently, there are two authorized access points used to reach the creek. Visitors can enter at Valentine Flats, which contains the Valentine Flats Trail, or enter at Forty Road. Planned trail improvements on the Valentine Flats Trail will address erosion concerns to create a more sustainable trail for both recreation and emergency response.

COMMENT: Commenter expressed frustration that the regulation appears to allow hunters and anglers complete access at Zoar Valley MUA/UA, but hikers are restricted. (1)

RESPONSE: All visitors, regardless of what activity they are engaged in, must comply with regulations for the use of state land. Hunters and anglers, as well as hikers must follow the setback restrictions and shall not enter any restricted area, except on a trail designated and marked by the department or by permit. The only exception is anglers, who can access the South Branch of the Cattaraugus Creek restricted area provided they possess a valid fishing license from DEC and are engaged in fishing.

COMMENT: Commenters expressed concern that placing restrictions at Zoar Valley MUA/UA will start a trend of placing other restrictions across the state. (5)

RESPONSE: The proposed regulations are specific to Zoar Valley MUA/UA.

COMMENT: Commenters generally oppose the amendments at Zoar Valley MUA/UA. (5)

RESPONSE: The DEC has the responsibility to exercise care, custody, and control over state lands and to protect natural resources and the health, safety, and general welfare of those who engage in recreational activities at Zoar Valley MUA/UA. The DEC is committed to protecting ecologically sensitive areas of the property from overuse and to protecting the safety of those who visit it.

COMMENT: Commenter expressed the need to find a balance between preserving natural beauty and allowing safe access without restriction. (1)

RESPONSE: The regulations are intended to protect the properties from damage caused by overuse or incompatible use while preserving public access. At Zoar Valley MUA/UA, access to the creek is still allowed via the Valentine Flats Trail and the Forty Road Parking area. The Holcomb Pond and Ross Pond Trails also provide access to vistas of the gorge.

COMMENT: Commenter opposes removing water and cliff access at Zoar Valley MUA/UA. (1)

RESPONSE: Access to the creek is still allowed via the Valentine Flats Trail and the Forty Road Parking area. There is no authorized, safe access to the creek from the Erie County side of the property, nor from the Town of Otto side of the property in Cattaraugus County.

COMMENT: Commenter opposes trail closures. If people use them correctly, they do not pose any unsafe conditions. (1)

RESPONSE: The DEC continually monitors and assesses trails for public safety and resource degradation. Occasionally trails need to be closed or re-routed for safety reasons or because the old trail is not sustainable. The DEC is committed to providing trails that are both safe and sustainable.

COMMENT: Commenters oppose prohibiting public access to areas designated as restricted by the Department. (3)

RESPONSE: The regulations are intended to preserve the natural resource and to protect public safety. Restricting public access to trails designated and marked by the Department is necessary to achieve this goal.

COMMENT: Commenter favors implementing more safety measures (more personnel, signage, fencing) instead of regulations. (1)

RESPONSE: The DEC uses a combination of education, management planning, enforcement, and permit issuance to minimize impacts to public use and safety. When this combination of efforts is insufficient to protect natural resources and public safety, property specific regulations may be developed. The DEC is committed to further implementing safety measures at Zoar Valley MUA/UA through monitoring and evaluating signage and wayfinding, trail construction and upgrades, hiring seasonal staff, working with stewardship partners, and will also consider fencing in strategic areas.

COMMENT: Commenters advocate for the imposition of fines or reimbursement of rescue costs for those requiring search and rescue. (3)

RESPONSE: Search and rescues are an essential lifesaving service provided by the State and DEC. No amendments to the regulation are necessary.

COMMENT: Commenters support new safety signage at Zoar Valley MUA/UA. (2)

RESPONSE: Thank you for contributing a comment. The DEC is committed to maintaining, monitoring, and evaluating signage.

COMMENT: Commenters oppose fencing along cliffs at Zoar Valley MUA/UA. (2)

RESPONSE: The proposed regulation is intended to protect public safety and to protect the resource. The regulation does not implement

fencing along the entire length of the cliff edge. However, if necessary, DEC will consider the use of fencing in strategic locations.

COMMENT: The regulations need to be backed by proper staffing of Forest Rangers and/or law enforcement personnel. (1)

RESPONSE: The DEC is holding a Forest Ranger academy in 2022 and is hoping to have additional Rangers proactively patrolling this and other DEC state lands. DEC has hired Assistant Forest Rangers to patrol Zoar Valley MUA/UA the past several seasons. The DEC is hoping to continue to hire these seasonal personnel to assist with informing the public about state land rules and regulations.

COMMENT: Commenter expresses a desire for primitive camping to be permitted within Zoar Valley MUA.

RESPONSE: Comment is outside the scope of the proposed regulation. No response is necessary.

Department of Health

EMERGENCY RULE MAKING

COVID-19 Confirmatory Testing

I.D. No. HLT-48-21-00001-E

Filing No. 1159

Filing Date: 2021-11-10

Effective Date: 2021-11-10

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

Action taken: Amendment of section 405.11; addition of sections 77.13, 77.14 and 415.33 to Title 10 NYCRR.

Statutory authority: Public Health Law, sections 2800, 2803 and 3401

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

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

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

New York State first identified cases on March 1, 2020 and thereafter became the national epicenter of the outbreak. On March 7, 2020, with widespread transmission rapidly increasing within certain areas of the state, an Executive Order was issued declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors. Given New York's dramatic progress against COVID-19, with the success in vaccination rates, and declining hospitalization and positivity statewide, the declared state disaster emergency expired on June 24, 2021. Nevertheless, this does not mean that COVID-19 is gone, as the threat of COVID-19 still remains, especially for those who are not vaccinated.

Contact tracing is particularly important for cases of COVID-19 as the State continues its highly effective containment and mitigation strategies to ensure that the spread of COVID-19 remains at a level that the hospital system can accommodate. In order for New York State to more fully assess the number of COVID-19 cases and conduct contact tracing, testing of hospital patients and nursing home residents must be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19. Patients or residents without symptoms, but who have had an exposure to COVID-19 must also be tested for COVID-19, and any other clinically appropriate testing. Further, in the

event of an unattended death, in those instances where such testing was not already performed, the coroner, medical examiner, or funeral director must perform the test, depending on who first receives the deceased.

Consistent with CDC guidance and the end of the influenza season, the Department is removing the general requirement that hospitals and nursing homes test patients and residents for influenza, and the general requirement that funeral directors, coroners and medical examiners to test deceased persons for influenza, as influenza is not prevalent in the state and COVID-19 protocols require face coverings in healthcare settings.

Based on the foregoing, the Department has determined that these emergency regulations are necessary to control the spread of COVID-19 in the identified regulated facilities or entities. As described above, current circumstances in these settings necessitate immediate action and, pursuant to the State Administrative Procedure Act Section 202(6), a delay in the issuance of these emergency regulations would be contrary to public interest.

Subject: COVID-19 Confirmatory Testing.

Purpose: To require confirmatory COVID-19 testing in several settings to improve case statistics and contact tracing.

Text of emergency rule: Section 405.11 of 10 NYCRR is amended by adding a new subdivision (h) to read as follows:

(h) COVID-19 Confirmatory Testing.

(1) Any patient with symptoms of COVID-19 or who has been exposed to COVID-19 shall be tested for the COVID-19 virus, along with any other clinically appropriate testing.

(2) Whenever a person expires while in the hospital, or while enroute to the hospital, and in the professional judgment of the attending clinician there is a clinical suspicion that COVID-19 was a cause of death, but no such test was performed in the 14 days before death, the hospital shall administer a COVID-19 test within 48 hours after death, along with any other clinically appropriate testing. Such COVID-19 test shall be performed using rapid testing methodologies to the extent available. The facility shall report the death to the Department immediately after and only upon receipt of such test results through the Health Emergency Response Data System (HERDS). Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the hospital lack the ability to perform such testing expeditiously, the hospital should request assistance from the State Department of Health.

A new section 415.33 of 10 NYCRR is added to read as follows:

415.33 COVID-19 Confirmatory Testing.

(1) Any resident with symptoms of COVID-19 or who has been exposed to COVID-19 shall be tested for the COVID-19 virus, along with any other clinically appropriate testing.

(2) Whenever a person expires while in a nursing home, where in the professional judgment of the nursing home clinician there is a clinical suspicion that COVID-19 was a cause of death, but no such test was performed in the 14 days before death, the nursing home shall administer a COVID-19 test within 48 hours after death, along with any other clinically appropriate testing. Such COVID-19 test shall be performed using rapid testing methodologies to the extent available. The facility shall report the death to the Department immediately after and only upon receipt of such test results through the Health Emergency Response Data System (HERDS). Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the nursing home lack the ability to perform such testing expeditiously, the nursing home should request assistance from the State Department of Health.

A new section 77.13 of 10 NYCRR is added to read as follows:

77.13 COVID-19 Confirmatory Testing – Funeral Directors.

Whenever the funeral director has been advised by an attending health care practitioner (whether the death was in hospice, an adult care facility, or any another setting where a positive diagnosis was not made) and there is a clinical suspicion that COVID-19 was a cause of death, but no such test was performed within 14 days prior to death in a nursing home or hospital, or by the hospice agency, coroner, or medical examiner, the funeral director shall administer a COVID-19 test within 48 hours after death, whenever the body is received within 48 hours after death. Such test shall be performed using rapid testing methodologies to the extent available. The funeral director shall report the death to the Department immediately after and only upon receipt of such test results, through a means determined by the Department. Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the funeral director lack the ability to perform such testing expeditiously, the funeral director should request assistance from the State Department of Health.

A new section 77.14 of 10 NYCRR is added to read as follows:

77.14 COVID-19 Confirmatory Testing – Coroners and Medical Examiners.

Whenever a coroner or medical examiner has a reasonable suspicion that COVID-19 was a cause of death, but no such test was performed within 14 days prior to death in a nursing home or hospital, or by the

hospice agency, the coroner or medical examiner shall administer a COVID-19 test within 48 hours after death, whenever the body is received within 48 hours after death. Such test shall be performed using rapid testing methodologies to the extent available. The coroner or medical examiner shall report the death to the Department immediately after and only upon receipt of such test results, through a means determined by the Department. Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the coroner or medical examiner lack the ability to perform such testing expeditiously, the coroner or medical examiner may request assistance from the State Department of Health.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires February 7, 2022.

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

Regulatory Impact Statement

Statutory Authority:

The authority for the promulgation of these regulations with respect to facilities subject to Article 28 of the Public Health Law (PHL) is contained in PHL sections 2800 and 2803(2). PHL Article 28 (Hospitals), section 2800, specifies: "Hospital and related services including health-related service of the highest quality, efficiently provided and properly utilized at a reasonable cost, are of vital concern to the public health. In order to provide for the protection and promotion of the health of the inhabitants of the state, pursuant to section three of article seventeen of the constitution, the department of health shall have the central, comprehensive responsibility for the development and administration of the state's policy with respect to hospital and related services, and all public and private institutions, whether state, county, municipal, incorporated or not incorporated, serving principally as facilities for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition or for the rendering of health-related service shall be subject to the provisions of this article." PHL section 2801 defines the term "hospital" as also including residential health care facilities, which are commonly referred to as nursing homes. PHL section 2803 (2) authorizes PHHPC to adopt and amend rules and regulations, subject to the approval of the Commissioner, to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of such health care facilities. PHL 3401 authorizes the Commissioner to issue regulations pertaining to the business of funeral directing.

Legislative Objectives:

The objectives of PHL Article 28 include protecting the health of New York State residents by ensuring that they have access to safe, high-quality health services in medical facilities, while also protecting the health and safety of healthcare workers. The objective of PHL Section 3401 is to authorize the Commissioner to regulate the business of funeral directing.

Needs and Benefits:

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

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

New York State first identified cases on March 1, 2020 and thereafter became the national epicenter of the outbreak. On March 7, 2020, with widespread transmission rapidly increasing within certain areas of the state, an Executive Order was issued declaring a state disaster emergency to aid in addressing the threat COVID-19 poses to the health and welfare of New York State residents and visitors. Given New York's dramatic progress against COVID-19, with the success in vaccination rates, and declining hospitalization and positivity statewide, the declared state disaster emergency expired on June 24, 2021. Nevertheless, this does not mean that COVID-19 is gone, as the threat of COVID-19 still remains, especially for those who are not vaccinated.

Contact tracing is particularly important for cases of COVID-19 as the

State continues its highly effective containment and mitigation strategies to ensure that the spread of COVID-19 remains at a level that the hospital system can accommodate. In order for New York State to more fully assess the number of COVID-19 cases and conduct contact tracing, testing of hospital patients and nursing home residents must be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19. Patients or residents without symptoms, but who have had an exposure to COVID-19 must also be tested for COVID-19, and any other clinically appropriate testing. Further, in the event of an unattended death, in those instances where such testing was not already performed, the coroner, medical examiner, or funeral director must perform the test, depending on who first receives the deceased.

Costs:

Costs to Regulated Parties:

The regulation requires regulated entities to perform confirmatory COVID-19 testing on persons suspected but not known to be suffering or to have suffered from COVID-19. The cost for testing for SARS-CoV-2 using a general polymerase chain reaction (PCR) test ranges from \$100-150 per sample. However, where testing is conducted on a deceased person, rapid testing methodology may be used; the Department understands that only some hospitals and nursing homes may have this capability at this time. Newer rapid COVID-19 testing technologies have been advertised at as low as \$5 per test.

Costs to Local Governments:

For those local governments that operate a general hospital or nursing home, the costs will be the same as those described above.

Cost to State Government:

The administration and oversight of these planning and response activities will be managed within the Department's existing resources.

Paperwork:

It is not anticipated that the proposed regulatory amendments will impose any significant paperwork requirements. Although this regulation will require hospitals and nursing homes to test persons for COVID-19, the Department does not anticipate that such additional tests will be burdensome given that these facilities are already testing patients and residents for these diseases in many instances.

Local Government Mandates:

Facilities operated by local governments will be subject to the same requirements as any other regulated facility, as described above.

Duplication:

These proposed regulatory amendments do not duplicate state or federal rules.

Alternatives:

The alternative would be to not promulgate the regulation, and to allow deaths to be reported as "presumed" deaths of COVID-19. However, this alternative was rejected on two grounds. First, a lack of the regulation would translate to a lack of accuracy in case statistics and delays or inadequate contact tracing, which would allow COVID-19 to spread indefinitely. Second, the regulations would encourage hospitals, nursing homes and hospices to test patients early for COVID-19, which will increase safety of patients and residents.

Federal Standards:

No federal standards apply.

Compliance Schedule:

These regulatory amendments will become effective upon filing with the Department of State. As the COVID-19 pandemic is consistently and rapidly changing, it is not possible to determine the expected duration of need at this point in time. The Department will continuously evaluate the expected duration of these emergency regulations throughout the effective period in making determinations on the need for continuing this regulation on an emergency basis or issuing a notice of proposed rule making for permanent adoption. This notice does not constitute a notice of proposed or revised rule making for permanent adoption.

Regulatory Flexibility Analysis

Effect of Rule:

For those local governments or small businesses that operate a general hospital or nursing home, testing of hospital patients and nursing home residents will be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19. Significantly, this includes testing after a resident or patient is deceased, in those instances where such testing was not performed in the 14 days preceding death.

Compliance Requirements:

As discussed above, testing of hospital patients and nursing home residents will be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19. Significantly, this includes testing after a resident or patient is deceased, in those instances where such testing was not performed in the 14 days preceding death.

Professional Services:

It is not expected that any new professional services will be needed to comply with this rule. Where testing must be conducted on a deceased person, rapid testing technology may be used when available.

Compliance Costs:

The regulation requires regulated entities to perform confirmatory COVID-19 testing on persons suspected but not known to be suffering or to have suffered from COVID-19. The cost for testing for SARS-CoV-2 using a general polymerase chain reaction (PCR) test ranges from \$100-150 per sample. However, where testing is conducted on a deceased person, rapid testing methodology may be used; the Department understands that only some hospitals and nursing homes may have this capability at this time. Newer rapid COVID testing technologies have been advertised at as low as \$5 per test.

Economic and Technological Feasibility:

This proposal will not impose any economic or technological compliance burdens, other than the costs described above.

Minimizing Adverse Impact:

Many facilities covered under this regulation, including those owned and operated by a local government or small business, currently test patients or residents for COVID-19. Given that such facilities are actively testing persons within their facility, the Department anticipates that any adverse impacts will be minimal.

Small Business and Local Government Participation:

Due to the emergent nature of COVID-19, small business and local governments were not consulted. However, parties representing local governments and small businesses may submit comments during the notice and commenter period in the event the Department promulgates proposed regulations.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

The following 44 counties have an estimated population of less than 200,000 based upon the 2020 United States Census:

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

The following counties of have population of 200,000 or greater, and towns with population densities of 150 person or fewer per square mile, based upon 2019 United States Census population projections:

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

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

It is not expected that any new professional services will be needed to comply with this rule. Where testing must be conducted on a deceased person, rapid testing technology may be used.

Compliance Costs:

The regulation requires regulated entities to perform confirmatory COVID-19 testing on persons suspected, but not known, to be suffering or to have suffered from COVID-19. The cost for testing for SARS-CoV-2 using a general polymerase chain reaction (PCR) test ranges from \$100-150 per sample. However, where testing is conducted on a deceased person, rapid testing methodology may be used; the Department understands that only some hospitals and nursing homes may have this capability at this time. Newer rapid COVID testing technologies have been advertised at as low as \$5 per test. Lastly, per SAPA § 202-bb(3)(c), it is not anticipated that there will be any significant variation in cost for different types of public and private entities in rural areas.

Economic and Technological Feasibility:

This proposal will not impose any economic or technological compliance burdens, other than the costs described above.

Minimizing Adverse Impact:

Many facilities covered under this regulation, including those owned and operated by a local government or small business, currently test patients or residents for COVID-19. Given that such facilities are actively testing persons within their facility, the Department anticipates that any adverse impacts will be minimal.

Rural Area Participation:

Due to the emergency nature of COVID-19, parties representing rural areas were not consulted in the initial draft. However, parties representing rural may submit comments during the notice and commenter period in the event the Department promulgates proposed regulations.

Job Impact Statement

The Department of Health has determined that these regulatory changes will not have a substantial adverse impact on jobs and employment, based upon its nature and purpose.

Department of Law

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Contents of Annual Financial Reports Required to be Filed by Charities Required to Register with the Department of Law

I.D. No. LAW-48-21-00016-P

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

Proposed Action: Amendment of section 91.5 of Title 13 NYCRR.

Statutory authority: Executive Law, art. 7-A, section 177(1); Estates, Powers and Trusts Law, section 8-1.4(h)

Subject: Contents of annual financial reports required to be filed by charities required to register with the Department of Law.

Purpose: Amend filing requirement held unconstitutional by the United States Supreme Court; conform filing thresholds to law.

Text of proposed rule: Subdivisions (c) and (d) of section 91.5 are amended to read as follows:

(c) What documents to submit.

The following documents constitute a complete annual filing for a charitable organization:

(1) CHAR500 (annual filing for charitable organizations) or a successor form, which shall include identifying and contact information, annual report exemption claim information (see subdivision [e] of this section), [and] information regarding the submission of schedules required under article 7-A and, unless a Schedule B to IRS form 990 of a public charity, with the names and addresses of contributors redacted, is attached pursuant to subdivision (3)(i)(b), a statement of the gross amount of contributions received during the reporting period from individuals and entities residing or domiciled in the state of New York.

(2) CHAR500 article 7-A schedules.

(iii) **REPEALED** [Schedule EDS (Electioneering Disclosure Schedule) or a successor form is required for covered organizations that must file such form pursuant to section 91.6 of this Part.]

(3) CHAR500 attachments.

(i) All organizations that do not claim annual report exemptions for all laws under which they are registered, as described in subdivision (e) of this section, must include a copy of the following IRS forms with their submission of the CHAR500, regardless of whether such IRS forms are submitted or required to be submitted to the IRS:

(a) a copy of the complete IRS form 990, 990-EZ or 990-PF with all required schedules including a Schedule B, unless exempt from such filing pursuant to subsection (b), and

(b) public charities required to submit Schedule B to the IRS must file either (i) a redacted Schedule B with the Charities Bureau, without the names and street addresses of the donors but including the amounts of donations and the states from which those donations were received during the reporting period, or (ii) a statement of the gross amount of contributions received during the reporting period from individuals and entities residing or domiciled in New York (see section C(1)), and

(c) a copy of the complete IRS form 990-T, if applicable.

(ii) Organizations with article 7-A and dual registration types, as defined in section 91.2 of this Part, that are not claiming the article 7-A annual report exemption, as described in subdivision (e) of this section, and whose total support and revenue for the reporting period exceed [\$100,000] \$250,000 must include additional attachments according to the following schedule:

(a) for organizations whose fiscal year began on or after July 1, 2017 but before July 1, 2021,

(i) a copy of an independent accountant's review report and financial statements with accompanying notes prepared in accordance with generally accepted accounting principles (GAAP), if total support and revenue for the reporting period is more than [\$100,000] \$250,000 but less than [\$250,000] \$750,000;

(b) for organizations whose fiscal year began on or after July 1, 2021,

(i) a copy of an independent accountant's review report and financial statements with accompanying notes prepared in accordance with GAAP, if total support and revenue for the reporting period is more than \$250,000 but not more than \$1,000,000,

(ii) a copy of an independent accountant's audit report and financial statements prepared in accordance with GAAP with accompanying notes prepared in accordance with GAAP, if total support and revenue for the reporting period is more than \$1,000,000;

(iv) Organizations with article 7-A and dual registration types whose financial information is included in a consolidated certified public accountant's audit or review report may file such consolidated audit or review report with its annual financial report in lieu of filing a separate audit or review report for the registrant alone, as long as such consolidated audit or review report includes or attaches supplemental schedules containing the following:

(a) a statement of financial position for each consolidated entity; and

(b) a statement of activities for each consolidated entity; and

(c) consolidating adjustments.

(d) What fees to submit.

(1) Article 7-A filing fee. Any article 7-A or dual registrant that contracted with or used the services of a professional fund raiser or fund raising counsel, as defined in article 7-A, during the reporting period must pay an article 7-A filing fee of \$25, or any other fee mandated by article 7-A as amended. Otherwise, the article 7-A filing fee is based on the total support and revenue of the organization for the reporting period, as indicated in the following schedule:

(i) no fee, if the organization is exempt from filing an annual report under article 7-A (see subdivision [e] of this section);

(ii) [\$10, or any other fee mandated by article 7-A as amended, if the organization's total support and revenue for the reporting period is less than \$250,000;

(iii) \$25, or any other fee mandated by article 7-A as amended[, if the organization's total support and revenue for the reporting period is \$250,000 or more].

(2) EPTL filing fee. The EPTL filing fee for EPTL and dual registrants is based on the net worth of the organization at the end of the reporting period, as indicated in the following schedule:

(i) no fee, if the organization is exempt from filing an annual report under the EPTL (see subdivision [e] of this section);

(ii) \$25, or any other fee mandated by the EPTL as amended, if the organization's total fund balance at the end of the reporting period is less than \$50,000;

(iii) \$50, or any other fee mandated by the EPTL as amended, if the organization's total fund balance at the end of the reporting period is \$50,000 or more but less than \$250,000;

(iv) \$100, or any other fee mandated by the EPTL as amended, if the organization's total fund balance at the end of the reporting period is \$250,000 or more but less than \$1 million;

(v) \$250, or any other fee mandated by the EPTL as amended, if the organization's total fund balance at the end of the reporting period is \$1 million or more but less than \$10 million;

(vi) \$750, or any other fee mandated by the EPTL as amended, if the organization's total fund balance at the end of the reporting period is \$10 million or more but less than \$50 million; or

(vii) \$1,500, or any other fee mandated by the EPTL as amended, if the organization's total fund balance at the end of the reporting period is \$50 million.

(3) Total filing fee. The total filing fee is based on the registration type, as defined in section 91.2 of this Part:

(i) article 7-A. The total fee for article 7-A registrants equals the article 7-A filing fee. Article 7-A only registrants do not need to calculate or pay an EPTL filing fee.

(ii) EPTL. The total fee for EPTL registrants equals the EPTL filing fee. EPTL only registrants do not need to calculate or pay an article 7-A filing fee.

(iii) Dual. The total filing fee for dual registrants is the sum of the article 7-A and EPTL filing fees.

(f) When to file.

All submissions must be *file electronically, or mailed*, or mailed, and postmarked by the deadline. If the regular due date falls on a Saturday, Sunday or legal holiday, the deadline is on the next business day. A business day is any day that is not a Saturday, Sunday or legal holiday. The submission deadline is based on the registration type, as defined in section 91.2 of this Part.

(1) Article 7-A and dual. Submissions must be filed electronically or mailed and postmarked by the 15th day of the 5th month after the organization's accounting period ends. [For example, a report for the fiscal year ended December 31, 2004 is due by May 15, 2005.]

(2) EPTL. Submissions must be filed electronically or mailed and postmarked by the last day of the 6th month after the organization's accounting period ends. [For example, a report for the fiscal year ended December 31, 2004 is due by June 30, 2005.]

(3) Extension of time to submit an annual filing.

(i) All registrants are entitled to an automatic six-month extension of [Upon request, submitted prior to the filing deadline,] the time to submit an annual filing pursuant to section 8-1.4 of the Estates, Powers and Trusts Law and/or article 7-A of the Executive Law[may be extended by the Attorney General for a period or periods in the aggregate not to exceed 180 days]. Registrants are not required to submit a request for such an [E]x-tension[requests shall be sent by means and form, manual or electronic, as designated by the Attorney General. No other filing, application or fees shall be submitted with a request for an extension of time to submit an annual filing].

[(ii) Any charitable organization that has submitted a request to the Internal Revenue Service for an extension of time to file an annual filing and/or has received approval of such request shall keep such documents as part of its financial records for at least three years after the end of the period of registration for which they relate.

(iii) The Attorney General has the sole discretion to deny any extension request, regardless of whether a corresponding extension request has been approved by the IRS.]

Text of proposed rule and any required statements and analyses may be obtained from: Karin Kunstler Goldman, Department of Law, 28 Liberty Street, New York, New York 10005, (212) 416-8392, email: karin.kunstlergoldman@ag.ny.gov

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

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

Regulatory Impact Statement

1. Statutory authority: Article 7-A of the Executive Law ("Solicitation and Collection of Funds for Charitable Purposes", hereafter "Article 7-A"), section 177(1), regulates charitable organizations that solicit contributions from New Yorkers and the fundraising professionals that act on behalf of such charitable organizations. Article 8 of the Estates, Powers and Trusts Law ("Administration of Charitable Assets", hereafter "the EPTL"), regulates the administration of charitable assets in New York State. Section 177(1) of Article 7-A and section 8-1.4(h) of the EPTL authorize the Attorney General to make rules and regulations necessary for the administration of those statutes.

2. Legislative objectives: The proposed regulations (A) clarify the annual filing requirements applicable to trustees of charitable assets pursuant to EPTL § 8-1.4 and charitable organizations pursuant to Article 7-A, (B) simplify the procedures for filing annual financial reports by charitable organizations subject to registration pursuant to both statutes, and (C) make clear that the names and street addresses of donors to public charities are not required to be disclosed to the Attorney General, thereby confirming New York's compliance with the U.S. Supreme Court holding in *Americans for Prosperity Foundation v. Bonta* (594 U.S. ___, 2021) that statutes requiring disclosure to the states of information identifying donors to such charities are facially unconstitutional in violation of the First Amendment to the Constitution.

3. Needs and benefits: The proposed rules and regulations are designed to simplify procedures for annual financial reporting and conform the regulations to the Supreme Court's holding, statutory filing thresholds and actual practices and developing technology.

4. Costs: The proposed regulations will most likely not result in any fiscal impact on any regulated entity as they will have the option to submit information currently maintained by them. The primary goal of the regulations is compliance with a United States Supreme Court decision holding unconstitutional a current filing requirement of the Department of Law that requires submission of the names and addresses of certain contributors and the amount contributed by each. The regulation gives registrants two options for reporting revenue contributed by New Yorkers but does not require identification of the names and addresses of contributors. To implement the regulations, some changes will need to be made to the Department's electronic filing portal. At this time, the Department does not have sufficient information to estimate the cost of those changes.

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

6. Paperwork: The proposed regulations will not impose additional reporting requirements and will eliminate some prior filing requirements, make more efficient current registration and annual filing.

7. Duplication: Both the current and proposed rules require registered charitable organizations to submit Internal Revenue Service Form 990 in partial satisfaction of filing requirements pursuant to the EPTL and Article 7-A. Acceptance of federal forms minimizes the duplication of financial reporting by charitable entities. In addition, the regulations contain procedures for acceptance by the Department of Law of financial filings submitted by registrants to other governmental agencies.

8. Alternatives: There were no significant alternatives to be considered in connection with the promulgation of the proposed regulations.

9. Federal standards: The Internal Revenue Code requires annual financial filing by tax exempt organizations. EPTL and Article 7-A as well as the current and proposed regulations accept those filings as the primary financial report of tax-exempt registrants. Reports of fundraising activities are required to satisfy specific state regulations that are not within the jurisdiction of the Internal Revenue Service.

10. Compliance Schedule: It is anticipated that reports submitted by registrants for the reporting period following the promulgation of the proposed regulations will be in compliance with such regulations.

Regulatory Flexibility Analysis

The proposed regulations will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments. The proposed amendments to current regulations apply to public charities required to register and file annual financial reports with the Attorney General pursuant to Article 8 of the Estates, Powers and Trusts Law and/or Article 7-A of the Executive Law. Those statutes require registered charities to file financial information that the charities must maintain pursuant to the Internal Revenue Code and the laws of the State of New York. The proposed amendments to the regulations are designed to amend current regulations to comply with the U.S. Supreme Court's holding in *Americans for Prosperity Foundation v. Bonta* (594 U.S. ___, 2021) that statutes requiring disclosure to the states of information identifying donors to public charities are facially unconstitutional in violation of the First Amendment to the Constitution. The proposed amendments apply only to public charities and, therefore, will not impose any adverse economic local governments or small businesses.

Rural Area Flexibility Analysis

The proposed regulations will not impose any adverse economic impact on rural areas or reporting, record-keeping, or other compliance requirements on public or private entities in rural areas. The proposed regulations apply only to charitable organizations required to register with the Attorney General pursuant to Article 8 of the Estates, Powers and Trusts Law and/or Article 7-A of the Executive Law. The proposed amendments to the regulations are designed to amend current regulations to comply with the U.S. Supreme Court's holding in *Americans for Prosperity Foundation v. Bonta* (594 U.S. ___, 2021) that statutes requiring disclosure to the states of information identifying donors to public charities are facially unconstitutional in violation of the First Amendment to the Constitution.

While the proposed amendments to the regulations may apply to public charities located in rural areas, neither the applicable statutes nor the proposed regulations include any provisions that would impose any adverse economic impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas.

Office of Mental Health

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Telehealth Expansion

I.D. No. OMH-48-21-00003-EP

Filing No. 1165

Filing Date: 2021-11-15

Effective Date: 2021-11-15

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

Proposed Action: Amendment of Part 596 of Title 14 NYCRR.

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

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

Specific reasons underlying the finding of necessity: The immediate adoption of these amendments is necessary for the preservation of the health, safety, and welfare of individuals receiving services.

The revision of 14 NYCRR Part 596 are intended to continue to expand the opportunity to offer telemental health services in the New York State regulated mental health system. The promulgation of these regulations is essential to preserve the health, safety and welfare of individuals with mental illness, and if OMH does not promulgate these rules on an emergency basis, there may be a gap in the offering of telehealth services, resulting in a detrimental effect on behavioral health care delivery systems and continued strain upon the State's already strapped service system.

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

Subject: Telehealth Expansion.

Purpose: To establish regulations regarding the expansion of telehealth.

Substance of emergency/proposed rule (Full text is posted at the following State website: https://omh.ny.gov/omhweb/policy_and_regulations/): In addition to technical amendments, the proposed amendments make the following changes:

- Changed the term Telemental Health to Telehealth to align across state agencies.
- Amended the definitions of telehealth, telehealth technologies, and originating site.
- Allows for the use of audio-only.
- Strengthened language around consent and recipient preference: Telehealth services may be provided only where clinically appropriate and with informed consent by the recipient. The recipient may withdraw consent at any time. A provider may not deny services to an individual who has a preference to receive services in-person.
- Expanded the definition of telehealth practitioner: (i) a prescribing professional eligible to prescribe medications pursuant to federal regulations; or (ii) staff authorized to provide in-person services are authorized to provide behavioral health services consistent with their scope of practice, in accordance with guidelines established by the office.
- Removes PROS and ACT specific language.
- Clarifies that telehealth practitioners must possess a current, valid license, permit, or limited permit to practice in New York State, or be designated or approved by the Office to provide services.
- Allows the ability for all telehealth practitioners to deliver services from outside NYS.
- Clarifies language around exclusion for purposes of seeking a court order for treatment over objection (vs old language of ordering medication over objection).
- Provides that Telehealth services may be used to satisfy any specific statutory examination, evaluation, or assessment requirement necessary for the involuntary removal from the community, or involuntary retention in a hospital pursuant to any of the provisions of Article 9 of the Mental Hygiene Law, where the telehealth practitioner is a physician and licensed to practice in New York and conducts the first evaluation for involuntary commitments of individuals. Further, telehealth services can only be utilized to fulfill one of the three physician-required activities in any removal or retention action and the individual must be asked to consent to the use of telehealth technology for the purposes of the examination, which can be embedded within the hospital's general consent for treatment.

- Removes the requirement of an in-person initial assessment.
- For the purposes of this Part, telehealth services shall be considered face-to-face contacts when the service is delivered in accordance with the provisions of the plan approved by the Office pursuant to section 596.5 of this Part.

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 February 12, 2022.

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

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

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

Regulatory Impact Statement

1. Statutory authority: Sections 7.09, 31.02 and 31.04 of the Mental Hygiene Law, grant the Commissioner of Mental Health the authority and responsibility to adopt regulations that are necessary and proper to implement matters under his or her jurisdiction. Pursuant to Section 2999-dd of the Public Health Law, health care services delivered by means of telehealth are entitled to Medicaid reimbursement under Social Services Law Section 367-u.

2. Legislative objectives: To establish regulations regarding mental health programs, including the expansion of the opportunity to offer telehealth services.

3. Needs and benefits: The proposed amendments are intended to continue to expand the opportunity to offer telehealth services in the New York State regulated mental health system. The proposed changes are also in response to recent amendments to New York State Public Health Law § 2999-cc (as amended by Chapter 124 of the Laws of 2020) which may eventually lead to more flexibility for the provision of certain Medicaid-funded services using audio-only telephonic communication technology. The newly revised definition of “Telehealth” in this section provides that for the Medicaid and Child Health Insurance Plan, shall include audio-only telephone communication only to the extent defined in regulations as may be promulgated by the commissioner of the Department of Health (DOH). This amendment expands the types of practitioners who can be designated or authorized by this Office to provide these services, will allow practitioners to be physically located outside the State of New York while delivering services, and provide that practitioners can deliver services remotely without first conducting an in-person evaluation. Additionally, an evaluation or examination required as part of an involuntary removal from the community, involuntary retention in a hospital or Assisted Outpatient Treatment order pursuant to Article 9 of the Mental Hygiene Law can be conducted via telemental health.

Such amendments are necessary to allow providers to maintain continuity of care with their patients, rapidly evaluate and screen new patients, and offer crisis and support interventions during this difficult time. The promulgation of these regulations is essential to preserve the health, safety and welfare of individuals with mental illness who receive services through licensed and designated OMH providers. If OMH did not promulgate regulations on an emergency basis, providers will be unable to maintain the continuity and quality of care their patients are receiving as a number of these patients do not have any other way of accessing behavioral health services at this time. Immediately, this amendment would permit the continued access to mental health services for people who are vulnerable or at risk for contracting COVID and wish to continue treatment in the safest manner possible, while working towards their treatment goals, while not having to choose between treatment and safety.

4. Costs:

(a) Cost to State government: There are no costs to State government as a result of these amendments.

(b) Cost to local government: There are no new costs to local government as a result of these amendments.

(c) Cost to regulated parties: There are no new costs to regulated parties as a result of these amendments.

5. Local government mandates: The provision of telehealth services is not required. These regulatory amendments will not involve or result in any additional imposition of duties or responsibilities upon county, city, town, village, school, or fire districts.

6. Paperwork: There are no new paperwork requirements as a result of the amendments.

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

8. Alternatives: It was determined that should the Office consider not moving forward with the proposed rule, it would have a detrimental effect on behavioral health care delivery. The field has consistently expressed support for the increase flexibility previously authorized during the public health emergency, and the ability to serve their populations fully during

this period. They have also expressed concern about continuity of care and delivering necessary services should such flexibility be terminated. The proposed amendment intends to increase flexibility for providers wishing to deliver telehealth services and conforms regulations to recent amendments to Section 2999-cc of the Public Health Law.

9. Federal standards: Currently states can choose to cover telehealth under Medicaid, as defined via their state plan amendment.

10. Compliance schedule: The office is promulgating these rules on an emergency basis. The permanent amendments to the regulation would be effective upon adoption, following the 60 day public comment period required by the State Administrative Procedure Act.

Regulatory Flexibility Analysis

Effect of Rule:

There will be no adverse economic impact upon small businesses or local governments as a result of this rule making. The rule serves to update existing regulations and provide additional flexibilities that were permitted during the Public Health Emergency.

Compliance Requirements:

Additional compliance requirements are expected to be minimal, as telehealth has already been authorized during the public health emergency.

Professional Services:

No professional services are required by this regulation.

Compliance Costs:

Costs are expected to be minimal, as telehealth has already been authorized during the public health emergency.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

This regulation is consistent with the existing flexibilities providers have utilized during the public health emergency. Therefore, any adverse impacts are expected to be minimal and are outweighed by the regulation’s intent to continue to provide broad access to services.

Small Business and Local Government Participation:

The Office will notify such entities of the existence of these regulations and the opportunity to submit comments or questions to the Department.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

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

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

Compliance Costs:

Costs are expected to be minimal, as telehealth has already been authorized during the public health emergency.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

This regulation is consistent with the existing flexibilities providers have utilized during the public health emergency. Therefore, any adverse impacts are expected to be minimal and are outweighed by the regulation’s intent to continue to provide broad access to services.

Rural Area Participation:

The Office will notify covered entities located in rural areas of the existence of these regulations and the opportunity to submit comments or questions to the Office.

Job Impact Statement

The amendments to 14 NYCRR Part 596 are intended to improve mental health services by expanding the opportunity to offer telehealth services. It is evident from the subject matter of this rule, that it could only have a positive impact or no impact on jobs or employment, therefore a Job Impact Statement is not necessary with this notice.

Department of Motor Vehicles

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Special Requirements for For-Hire Vehicle Motor Carriers

I.D. No. MTV-48-21-00014-P

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

Proposed Action: Addition of Part 11 to Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 507-a

Subject: Special Requirements for For-Hire Vehicle Motor Carriers.

Purpose: Necessary to implement statute.

Text of proposed rule: A new Part 11 is added to Title 15 to read as follows:

Part 11

Special Requirements for For-Hire Vehicle Motor Carriers

Section 11.1 Affidavit of Compliance. Motor carriers, as defined by section 507-a of the Vehicle and Traffic Law, must attest to their compliance with such section by submitting to the Department annually on or before August 3rd the Drug and Alcohol Testing Passenger Motor Carrier Certificate of Applicability.

Text of proposed rule and any required statements and analyses may be obtained from: Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Room 522A, Albany, NY 12228, (518) 474-0871, email: dmv.sm.legal@dmv.ny.gov

Data, views or arguments may be submitted to: Victoria Plotsky, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: dmv.sm.legal@dmv.ny.gov

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

Regulatory Impact Statement

1. Statutory authority: Vehicle and Traffic Law (VTL) section 215(a) provides that the Commissioner of Motor Vehicles may enact rules and regulations that regulate and control the exercise of the powers of the Department. Chapter 2 of the Laws of 2020, which enacted Vehicle and Traffic Law (VTL) section 507-a, requires every motor carrier to annually attest to their compliance with section 507-a of the VTL in a manner prescribed by regulations established by the commissioner. This rule prescribes such manner.

2. Legislative objectives: Chapter 2 of the Laws of 2020 requires every motor carrier to annually attest to their compliance with section 507-a of the VTL in a manner prescribed by regulations established by the commissioner. This proposed rule meets the legislative mandate by establishing the manner in which a motor carrier will annually attest to their compliance with section 507-a of the VTL.

3. Needs and benefits: This proposed rule is necessary to implement Chapter 2 of the Laws of 2020, which mandates that every motor carrier annually attest to their compliance with section 507-a of the VTL in a manner prescribed by regulations established by the commissioner. This proposed rule puts motor carriers on notice that they must attest to their compliance with section 507-a of the VTL by submitting a signed and completed Drug and Alcohol Testing Passenger Motor Carrier Certificate of Applicability to the Department by August 3 of each year.

4. Costs:

a. Cost to regulated parties: There will be no costs to the motor carriers to attest to their compliance with section 507-a of the VTL by submitting a signed and completed Drug and Alcohol Testing Passenger Motor Carrier Certificate of Applicability to the Department as the Department because this form will be available to the motor carriers at no cost.

b. Costs to the State, the Department of Motor Vehicles and local governments: This rule will have no fiscal impact upon the state, the Department of Motor Vehicles, or local governments.

5. Local government mandates: This proposed rule does not impose any new mandates or responsibilities upon local governments.

6. Paperwork: The proposed rule imposes a new paperwork and reporting requirement on motor carriers in New York State. Motor carriers will be required to submit a Drug and Alcohol Testing Passenger Motor Carrier Certificate of Applicability to the Department on an annual basis. The Drug and Alcohol Testing Passenger Motor Carrier Certificate of Applicability will be made available to the motor carriers at no cost.

7. Duplication: This proposed rule does not duplicate or conflict with any state or federal rule.

8. Alternatives: There are no viable alternatives to this proposed rule, and none were considered. Chapter 2 of the Laws of 2020 requires the commissioner of motor vehicles to promulgate regulations establishing the manner in which a motor carrier will annually attest to their compliance with section 507-a of the VTL.

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

10. Compliance schedule: The Department anticipates that all affected parties will be able to achieve compliance upon adoption of the proposed rule.

Regulatory Flexibility Analysis

1. Effect of rule: The proposed rule affects motor carriers who direct one or more drivers of a for-hire vehicle(s) have a seating capacity of nine or more passengers, including the driver, and which operate such for-hire vehicle(s) in the business of transporting passengers for compensation. The Department estimates that there may be up to 11,000 motor carriers in New York affected by the proposed rule. The proposed rule requires these motor carriers to attest to their compliance with section 507-a of the Vehicle and Alcohol Testing Passenger Motor Carrier Certificate of Applicability to the Department by August 3 of each year.

The proposed rule does not impact local governments.

2. Compliance requirements: Chapter 2 of the Laws of 2020 requires every motor carrier to annually attest to their compliance with section 507-a of the VTL in a manner prescribed by regulations established by the commissioner. The proposed rule requires motor carriers to attest to their compliance with section 507-a of the VTL by submitting a signed and completed Drug and Alcohol Testing Passenger Motor Carrier Certificate of Applicability to the Department by August 3 of each year.

3. Professional services: There will be no need for any local government to obtain professional services because the proposed rule does not apply to any local government. This proposed rule would not require a motor carrier that is a small business to obtain professional services in order to comply with the proposed rule.

4. Compliance costs: There will be no compliance costs to any local government because the proposed rule does not apply to any local government. There will be no costs to a motor carrier that is a small business to comply with the proposed rule as the Department is making the Drug and Alcohol Testing Passenger Motor Carrier Certificate of Applicability available to motor carriers at no cost.

5. Economic and technological feasibility: The proposed rule does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the proposed rule. A motor carrier that is a small business should not incur any economic or technological impact as a result of the proposed rule because the proposed rule does not impose any new technical requirements.

6. Minimizing adverse impact: There will be no adverse impact on any local government because the proposed rule does not apply to any local government. The proposed rule should not have an adverse impact on a motor carrier that is a small business because the proposed rule affects all motor carriers uniformly. The Department has determined that there are no adverse impacts from the proposed rule.

7. Small business and local government participation: The Department of Motor Vehicles posted information describing Chapter 2 of the Laws of 2020 and the requirement that motor carriers must attest to their compliance with section 507-a of the VTL on the Department's public website on March 5, 2021. The Department of Motor Vehicles also sent letters and reminder notices to motor carriers who are affected by the proposed rule advising them of Chapter 2 of the Laws of 2020 and the requirement that motor carriers must attest to their compliance with section 507-a of the VTL.

Rural Area Flexibility Analysis

This rule making, which adds 15 NYCRR Part 11 specifying the manner that all for-hire vehicle motor carriers must annually attest to compliance with section 507-a of the Vehicle and Traffic Law, does not impose any additional burdens on motor carriers located in rural areas, and will not have an adverse impact on rural areas because it applies uniformly to all for-hire vehicle motor carriers in both rural and non-rural areas of New York State.

Job Impact Statement

This rule will not adversely impact job or employment opportunities, including self-employment, in New York State.

New rule 15 NYCRR Part 11 merely specifies the manner that for-hire vehicle motor carriers must annually attest to, and report to the Department, compliance with section 507-a of the Vehicle and Traffic Law. This regulation is statutorily required, as set forth in Vehicle and Traffic law section 507-a (4)(a).

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

Signs for School Bus Photo Violation Monitoring System

I.D. No. MTV-48-21-00015-P

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

Proposed Action: Addition of section 46.13 to Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 375(21-j)

Subject: Signs for school bus photo violation monitoring system.

Purpose: Conforms regulation with statute.

Text of proposed rule: A new section 46.13 is added to Part 46 to read as follows:

46.13 Signs for school bus photo violation monitoring systems.

(a) A school bus meeting the requirements of section 375 (21-j) of the vehicle and traffic law may be equipped with signs, placards or other displays giving notice to approaching motor vehicle operators that school bus photo violation monitoring systems are in use.

(b) Such signs, placards or other displays must:

(1) indicate that school bus photo violation monitoring systems are in use;

(2) be in a typeface of a size and color as determined by the school district;

(3) be such size and shape as determined by the school district; and

(4) be placed on the school bus in any location or locations that are selected by the school district, provided that such signs, placards or other displays do not obscure or block the license plates, lights, signals or any other required equipment or reflective markings on said school bus.

Text of proposed rule and any required statements and analyses may be obtained from: Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Room 522A, Albany, NY 12228, (518) 474-0871, email: dmv.sm.legal@dmv.ny.gov

Data, views or arguments may be submitted to: John J. Kenefick, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: dmv.sm.legal@dmv.ny.gov

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

Regulatory Impact Statement

1. Statutory authority: Vehicle and Traffic Law (VTL) section 215(a) provides that the Commissioner of Motor Vehicles may enact rules and regulations that regulate and control the exercise of the powers of the Department. Chapter 325 of the Laws of 2021, which enacted a new subdivision 21-j of section 375 of the VTL, requires that the Commissioner of Motor Vehicles promulgate rules and regulations for the content, size and placement on school buses of a sign, placard or other display giving notice to approaching motor vehicle operators that school bus photo violation monitoring systems are in use.

2. Legislative objectives: In 2019 the Legislature enacted VTL section 1174-a which authorized stop-arm cameras on school buses to catch drivers who put students' safety at risk and pass a stopped school bus while the stop arm is in use and while students are loading and unloading. However, until now the law did not allow warning signs to be affixed to school buses indicating a camera violation system is in use. Allowing school buses equipped with a photo violation monitoring systems to use a sign, placard, or other display will preemptively deter offenders from passing a stopped school bus illegally. This proposed rule meets this legislative objective by establishing the content, size and placements on school buses of a sign, placard or other display giving notice to approaching motor vehicle operators that school bus photo violation monitoring systems are in use.

3. Needs and benefits: This proposed rule is necessary to implement Chapter 325 of the Laws of 2021, which requires that a school bus which is owned and operated by a school district or which is privately owned and operated for compensation under contract with such school district may be equipped with signs, placards or other displays giving notice to approaching motor vehicle operators that school bus photo violation monitoring systems are in use and that such signs, placard, or other displays shall comply with the rules and regulations promulgated by the Commissioner of Motor Vehicles. This proposed rule gives school districts deference in determining the content, size and placement of the signs, placard, or other displays on the school buses in order to provide a warning to nearby motor vehicles that school bus photo violation monitoring systems are in use. This proposed rule is a continuation of the attempts by the State of New York to combat the alarming number of reported incidents of motorists illegally passing a school bus and is a further effort to protect the safety of

school children transported on school buses throughout the state. The proposed rule is necessary to help prevent and deter further deaths and injuries caused by dangerous motorists who ignore the law.

4. Costs: This proposed rule will have no fiscal impact upon the state government, the Department of Motor Vehicles, or local governments. The regulated parties may choose to equip a school bus with a sign, placard or other display under subdivision 21-j of section 375 of the VTL, and as such, will not incur additional costs associated with this proposed rule which simply sets forth the content, size and placement of the sign, placard or other display.

5. Local government mandates: This proposed rule does not impose any new mandates or responsibilities upon local governments.

6. Paperwork: The proposed rule does not impose any new reporting requirements or other paperwork.

7. Duplication: The proposed rule is necessary to implement Chapter 325 of the Laws of 2021. There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the proposed rule does not duplicate other existing New York State or federal requirements.

8. Alternatives: No significant alternative proposals were considered. The proposed rule is required under Chapter 325 of the Laws of 2021 and the proposed rule was written to impose the least burden on the regulated entities.

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

10. Compliance schedule: The Department anticipates that all affected parties will be able to achieve compliance upon adoption of the proposed rule.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impacts on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments.

Rural Area Flexibility Analysis

No rural area flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on rural areas. The proposed rule will not impose any adverse economic impact on rural areas or impose any reporting, recordkeeping, professional services or other compliance requirements on rural areas.

Job Impact Statement

A Job Impact Statement is not submitted with this proposal because there is no adverse impact on job creation or development in New York State.

Niagara Frontier Transportation Authority

NOTICE OF ADOPTION

Procurement Guidelines of the NFTA and NFTA Metro System, Inc.

I.D. No. NFT-31-21-00012-A

Filing No. 1164

Filing Date: 2021-11-12

Effective Date: 2021-12-01

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

Action taken: Amendment of Part 1159 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1299-t

Subject: Procurement Guidelines of the NFTA and NFTA Metro System, Inc.

Purpose: To amend the Procurement Guidelines to reflect changes in law, clarifying provisions and change in signing authority level.

Text or summary was published in the August 4, 2021 issue of the Register, I.D. No. NFT-31-21-00012-P.

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

Text of rule and any required statements and analyses may be obtained from: Mary Perla, Esq, Niagara Frontier Transportation Authority, 181 Ellicott Street, Buffalo, New York 14203, (716) 630-6034, email: Mary.Perla@NFTA.com

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Filings to Modify Riders AB and J — Smart Home Rate

I.D. No. PSC-48-21-00004-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 proposals filed by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. to make revisions to Riders AB and J — Smart Home Rate, in their respective electric tariff schedules.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Proposed filings to modify Riders AB and J — Smart Home Rate.

Purpose: To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Substance of proposed rule: The Commission is considering proposals filed on October 22, 2021 by Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities, Inc. (O&R) (collectively, the Companies) to amend their tariff respective schedules, P.S.C. No. 10 — Electricity and P.S.C. No. 3 — Electricity.

Con Edison proposes amendments to Rider AB, while O&R proposes changes to Rider J to conform those riders to the changes described in their October 22, 2021 Implementation Plan Update, filed in Case 14-M-0101, for the Companies' active Reforming the Energy Vision – Demonstration Project: Smart Home Rate (SHR). Specifically, Con Edison proposes the following changes: (1) eliminate Rider AB Rate II, and all references related to it; (2) remove the battery storage offering, and all references related to it; (3) modify Riders AB Rate I to conclude on March 31, 2023. O&R proposes the following changes: (1) eliminate Rider J Rate II, and all references related to it; (2) remove the battery storage offering, and all references related to it; and (3) modify Rider J Rate I to conclude on March 1, 2023. In addition, the Companies seek modifications to clarify that the SHR will conclude as of the customer's last billing cycle when their participation in the SHR has ended. The proposed amendments have an effective date of March 1, 2022.

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

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

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

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

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

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

(21-E-0534SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Street Light Facilities

I.D. No. PSC-48-21-00005-P

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

Proposed Action: The Commission is considering a petition filed by New York State Electric & Gas Corporation for the transfer of certain street lighting facilities to the Town of Hamburg, Erie County, New York.

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

Subject: Transfer of street light facilities.

Purpose: To consider the transfer of street lighting facilities to the Town of Hamburg.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by New York State Electric & Gas Corporation (NYSEG or the Company) on October 21, 2021, requesting approval to transfer to the Town of Hamburg (the Town) ownership of its system of street lighting facilities installed throughout the Town. The street lighting facilities consist of a system of street lighting poles, luminaires, lamps, mast arms, electrical connections and wiring (Facilities). NYSEG requests the Commission's approval of the transaction pursuant to Public Service Law § 70(1), as the original cost of the proposed assets to be transferred is greater than \$100,000.

Based on plant records, NYSEG represents that the original book cost of the Facilities is approximately \$1,190,045 and the net book value, as of June 30, 2021, is \$337,792. The Company proposes to transfer the ownership of the Facilities to the Town for \$394,732. Upon the closing date of the sale, the Town will become solely responsible and liable for the operation, maintenance, and condition of the Facilities. The transfer will not impact the reliability, safety, operation, or maintenance of NYSEG's electric distribution system.

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

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

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

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

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

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

(21-E-0529SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Electric Metering Equipment

I.D. No. PSC-48-21-00006-P

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

Proposed Action: The Commission is considering a petition filed by General Electric to use the General Electric JBW-5ER Instrument Transformer in electric metering applications.

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

Subject: Electric metering equipment.

Purpose: To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.

Substance of proposed rule: The Public Service Commission is considering a petition filed by General Electric, on November 8, 2021, to use the General Electric JBW-5ER Instrument Transformer in electric metering applications in New York State.

The Commission requires that new types of electric meters and metering equipment used to measure a customer's electric usage conform to the requirements of 16 NYCRR § 93 and be approved by the Commission before being used for customer billing purposes.

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

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

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

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

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

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

(21-E-0549SP1)

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

Verizon's Performance Assurance Plan

I.D. No. PSC-48-21-00007-P

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

Proposed Action: The Commission is considering a petition by Verizon New York Inc. to retire the Performance Assurance Plan.

Statutory authority: Public Service Law, sections 91 and 94

Subject: Verizon's Performance Assurance Plan.

Purpose: To consider whether to retire the Performance Assurance Plan.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition, filed by Verizon New York Inc. (Verizon) on September 16, 2021 seeking to retire the Performance Assurance Plan (PAP) in accordance with the Commission's Order Amending Performance Assurance Plan, issued on September 25, 2006.

Verizon states that the PAP has long since outlived its usefulness. It was created in 1999 to ensure that Verizon, having opened the local exchanged market to competition, would not undermine that market by failing to provide high-quality wholesale service to competing local exchange carriers (CLECs) after Verizon obtained authority to provide long distance service. Now, however, Verizon states that after more than two decades of growth fostered by Commission policies, the market is dramatically changed. The market for local exchange services is now, according to Verizon, a small and declining subset of a much larger telecommunications market, in which the great majority of customers obtain voice service from facilities-based intermodal providers – wireless, cable television, and over-the-top VoIP providers – who do not depend on UNEs or other Verizon services monitored by the PAP. Because intermodal services represent almost all of the non-ILEC lines and subscriptions in the market (as well as the majority of all voice services in the market), Verizon states that the performance under the PAP has little if any relevance to the health of competition in the market as a whole. Verizon further notes that, even to the extent that some of its competitors are not fully facilities-based, intermodal competition provides more than enough incentive for Verizon to treat its CLEC customers well, since wholesale revenue is better than no revenue.

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.

(99-C-0949SP17)

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
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-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.
Education Department		
EDU-48-21-00008-P	Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures	Zoom—February 1, 2022, 12:00 p.m. Link: https://zoom.us/j/95291448709?pwd=S1E2a3pvRjYvZlQ0eHZKNFpOaTZ6dz09 , Meeting ID: 952 9144 8709, Passcode: MTbs02 Zoom—February 9, 2022, 5:00 p.m. Link: https://zoom.us/j/95132788304?pwd=QmVvaWxvZ2JaRi91bW1pTUxBZ2JHdz09 , Meeting ID: 951 3278 8304, Passcode: 8p4dru Zoom—February 17, 2022, 9:00 a.m. Link: https://zoom.us/j/99029637239?pwd=eHcyEdYRmY3SVF5MnNhdzdpdFZzdz09 , Meeting ID: 990 2963 7239, Passcode: 8iqjHd

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	0001	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-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
ASA-47-21-00001-EP	11/24/22	Telehealth flexibilities and LGBTQ optional endorsement.	To continue telehealth flexibilities allowed under the COVID-19 disaster emergency to become permanent.
ASA-47-21-00002-EP	11/24/22	Patient's Rights in OASAS Programs	To set forth minimum requirements for patient rights in OASAS certified, funded or otherwise authorized programs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-48-21-00002-EP	12/01/22	General Provisions applicable to all OASAS programs	To identify those provisions that are required of ALL OASAS certified, funded, or otherwise authorized programs.
CANNABIS MANAGEMENT, OFFICE OF			
OCM-46-21-00010-P	11/17/22	Part 115 - Personal Cultivation of Cannabis	Regulation to authorize the home cultivation of cannabis for certified medical cannabis patients
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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-31-21-00006-P	08/04/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-31-21-00007-P	08/04/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-40-21-00008-P	10/06/22	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-21-00009-P	10/06/22	Jurisdictional Classification	To delete positions from and classify positions in the exempt class.
CVS-40-21-00010-P	10/06/22	Jurisdictional Classification	To delete positions from and classify a position in the exempt class and to classify a position in the non-competitive class
CVS-40-21-00011-P	10/06/22	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-21-00012-P	10/06/22	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
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"

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-48-20-00001-RP	12/02/21	Employee Training Incentive Program	To update the administrative processes for the ETIP program
EDV-30-21-00002-EP	07/28/22	New York City Musical and Theatrical Production Tax Credit program	To create the administrative processes for the New York City Musical and Theatrical Production Tax Credit program
EDV-32-21-00004-EP	08/11/22	Restaurant Return-to-Work Tax Credit program	To create the administrative processes for the Restaurant Return-to-Work Tax Credit program
EDV-36-21-00001-P	09/08/22	Excelsior Jobs program	Update regulations to include newly enhanced tax credits for projects including child care services
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
EDV-45-21-00001-P	11/10/22	Commercial Production Credit Program	Update regulations to include a third party verification process for application submissions.
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 relating to the SSEC reporting system.
EDU-39-21-00008-EP	09/29/22	Flexibility for accountability requirements in response to the COVID-19 crisis.	To provide flexibility for accountability requirements in response to the COVID-19 crisis.
EDU-39-21-00009-P	09/29/22	General Unprofessional Conduct Provisions for the Design Professions and Continuing Education Requirements for the Profession.	To conform regulations with the requirements of Chapter 160 of the Laws of 2020 and to make technical corrections.
EDU-39-21-00010-P	09/29/22	Licensure Examination, Licensure by Endorsement and Continuing Education Requirements in the Profession of Pharmacy	To provide flexibility in determining acceptable licensure examinations and to add compounding continuing education requirements
EDU-39-21-00011-P	09/29/22	Removing References to Regional Accreditation.	To remove references to “regional accreditation” in the Rules of the Board of Regents and Commissioner’s regulations.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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.
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.
EDU-48-21-00008-P	02/17/23	Special education impartial hearing officers and the special education due process system procedures.	To address volume of special education due process complaints in the New York City due process system
EDU-48-21-00009-P	12/01/22	Licensure of Psychologists.	To conform New York State's licensure requirements with national standards and create a pathway for licensure by endorsement.
EDU-48-21-00010-P	12/01/22	Definition of the term "year of experience" for permanent or professional certification.	To streamline the definition of "year of experience" for permanent or professional certification.
EDU-48-21-00011-P	12/01/22	School districts' exemption from the establishment of an internal audit function.	To align the student enrollment number for eligibility for such exemption with the applicable statute.
EDU-48-21-00012-EP	12/01/22	Annual visitation of voluntarily registered nursery schools and kindergartens.	To extend flexibility for the annual visitation of voluntarily registered nursery schools and kindergartens to the 2021-2022 SY.
EDU-48-21-00013-P	12/01/22	Records retention and disposition schedules	To revise records retention and disposition schedule LGS-1 and to remove superseded disposition schedules.
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
SBE-46-21-00001-P	11/17/22	Public Campaign Finance Board's Enforcement Procedure	Relates to how the Public Campaign Finance Board will enforce the public campaign finance provisions of the Election Law
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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-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
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)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
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.
DFS-47-21-00006-P	11/24/22	Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To hold insurers, plans and HMOs responsible for inaccurate provider directory information and replies to insureds' inquiries.
GAMING COMMISSION, NEW YORK STATE			
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-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-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
HLT-46-21-00005-P	11/17/22	Nursing Home Minimum Direct Resident Care Spending	Every RHCf shall spend a minimum of 70% of revenue on direct resident care and 40% of revenue on resident-facing staffing.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-46-21-00006-P	11/17/22	Article 28 Nursing Homes; Establishment; Notice and Character and Competence Requirements	To strengthen the establishment application review process for all Article 28 facilities
HLT-46-21-00007-P	11/17/22	Minimum Staffing Requirements for Nursing Homes	Requiring minimum staffing levels for nursing homes
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
INDUSTRIAL BOARD OF APPEALS			
IBA-45-21-00003-P	11/10/22	Rules of Procedure and Practice for administrative hearings; Freedom of Information Law	To update the Rules of Procedure and Practice for administrative review and to correct address for Freedom of Information Law.
LABOR, DEPARTMENT OF			
LAB-49-20-00012-P	12/09/21	Sick Leave Requirements	To provide definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law
LAB-05-21-00003-EP	02/03/22	Unemployment Insurance (UI) definition of "day of total unemployment"	To prevent an additional financial burden on UI claimants seeking part-time work opportunities and help employers obtain talent
LAB-34-21-00002-EP	11/17/22	New York Health and Essential Rights Act (NY HERO Act)	Airborne Infectious Disease Exposure Prevention Standard
LAB-39-21-00015-P	09/29/22	Minimum Wage	To comply with Labor Law 652(6) that increased the minimum wage, and implement wage determined by Labor Law 652(1)(c)
LAB-39-21-00016-P	11/10/22	Minimum Wage for Farmworkers	To comply with Sections 652 and 673 of the Labor Law, by adopting minimum wage increases for farmworkers
LAW, DEPARTMENT OF			
LAW-48-21-00016-P	12/01/22	Contents of annual financial reports required to be filed by charities required to register with the Department of Law	Amend filing requirement held unconstitutional by the United States Supreme Court; conform filing thresholds to law
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-04-06-00007-P	..... exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LPA-38-21-00008-P	..... exempt	The Authority's annual budget, as reflected in the rates and charges in the Tariff for Electric Service.	To update the Tariff to implement the Authority's annual budget and corresponding rate adjustments.
LPA-38-21-00009-P	..... exempt	Community distributed generation and remote crediting tariffs.	To conform LIPA's community distributed generation and remote crediting tariffs with recent PSC orders.
LPA-38-21-00010-P	..... exempt	A Customer Benefit Contribution (CBC) Charge for new mass market net metering customers.	To ensure adequate contribution to LIPA's customer benefits programs.
LPA-38-21-00011-P	..... exempt	Conform Long Island Choice program rules and requirements with final DPS recommendations from collaborative proceeding.	To conform with Statewide retail choice policy and eliminate program inefficiencies.
LPA-38-21-00012-P	..... exempt	Miscellaneous clean-up of Tariff for Electric Service.	To clarify potential ambiguity and make other minor Tariff updates.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
OMH-48-21-00003-EP	12/01/22	Telehealth Expansion.	To establish regulations regarding the expansion of telehealth.
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
MTV-48-21-00014-P	12/01/22	Special Requirements For For-Hire Vehicle Motor Carriers	necessary to implement statute (Ch 2, Laws of 2020)
MTV-48-21-00015-P	12/01/22	Signs for school bus photo violation monitoring system	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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
PDD-46-21-00015-P	11/17/22	Community Transition Services	To match federal limitations and use gender neutral terminology
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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff’s electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff’s electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company’s request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants’ request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.’s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking’s request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison’s Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison’s Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water’s current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water’s current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
*PSC-23-20-00008-P	..... exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
*PSC-40-20-00004-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-42-20-00006-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$41.8 million (or 9.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.
*PSC-42-20-00009-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$100.4 million (or 3.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-43-20-00003-P	..... exempt	The use of \$50 million to support residential and commercial customers experiencing financial hardship	To consider whether the proposed support of ratepayers is in the public interest
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-45-20-00004-P	..... exempt	Major gas rate filing	To consider an increase in Central Hudson's gas delivery revenues
*PSC-45-20-00005-P	..... exempt	Major electric rate filing	To consider an increase in Central Hudson's electric delivery revenues
*PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service.	To determine if approving the DPS Staff's recommendations is in the public interest.
PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.
PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
PSC-19-21-00012-P	..... exempt	Major gas rate filing.	To consider an increase in O&R's gas delivery revenues.
PSC-19-21-00013-P	..... exempt	The proposed transfer of ownership interests and debt financing arrangement related to certain electric generating facilities.	To determine whether the proposed transfer of ownership interests and financing arrangement are in the public interest.
PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility.	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-21-21-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00016-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00017-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-21-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-22-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 7.6 mile, 13 kV AC electric cable.
PSC-22-21-00008-P	..... exempt	Cost allocation for project(s) to meet a Public Policy Transmission Need/Public Policy Requirement.	To address the cost allocation methodology for use by the New York Independent System Operator, Inc. (NYISO).
PSC-23-21-00002-P	..... exempt	Waiver for allocation of natural gas to commercial and industrial economic development customers.	To provide commercial and industrial economic development customers access to natural gas.
PSC-23-21-00003-P	..... exempt	Petitions for rehearing of the Order Adopting a Data Access Framework and Establishing Further Process.	To consider modifications and/or clarifications to the Order Adopting a Data Access Framework and Establishing Further Process.
PSC-23-21-00004-P	..... exempt	Establishing an alternative recovery mechanism for certain types of fees.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-25-21-00005-P	..... exempt	Transfer of Penelec assets and franchise rights.	To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest.
PSC-25-21-00008-P	..... exempt	NYSERDA and National Grid's proposed Expanded Solar For All Program for low-income customers.	To consider the authorization and appropriate design of an opt-out community solar program for low-income customers.
PSC-25-21-00013-P	..... exempt	Negative revenue adjustments for gas main replacements targets in 2020.	To promote and ensure safety and reliability enhancements for utility infrastructure replacement.
PSC-26-21-00007-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-26-21-00010-P	..... exempt	Proposed acquisition of all shares of common stock of Corning Natural Gas Holding Corporation by ACP Crotona Corp.	To consider whether the acquisition of all shares of common stock of CNGH by ACP Crotona Corp. is in the public interest.
PSC-26-21-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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 of street of lighting facilities and the proper accounting for the transaction.
PSC-37-21-00009-P	..... exempt	Procedures necessary to implement Tax Law Section 187-q.	To establish procedures by which eligible utility-taxpayers can have the amounts of certain waived customer arrears certified.
PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems.	To consider modifications to the Clean Energy Standard.
PSC-37-21-00011-P	..... exempt	Green Button Connect implementation.	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document.
PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers.
PSC-37-21-00013-P	..... exempt	Tariff revisions to SUEZ Water New York Inc.'s tariff P.S.C. No. 2 - Water.	To consider whether proposed tariff revisions are in the public interest.
PSC-37-21-00014-P	..... exempt	Consideration of Time Warner Cable Information Services (New York)'s Revised Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addressed and implemented.
PSC-37-21-00015-P	..... exempt	Rehearing and/or reconsideration of the Commission's determination related to ITIA's non-pipe alternative project.	To determine whether the Commission made an error of fact related to ITIA's non-pipe alternative project.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
PSC-45-21-00004-P	..... exempt	The SIR and Application Process for New DG and ESS 5 MW or Less Connected in Parallel with Utility Distribution Systems.	To accommodate federal government agencies that wish to install distributed generation or energy storage systems 5 MW or Less.
PSC-46-21-00011-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-46-21-00012-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-46-21-00013-P	..... exempt	ESCO Eligibility	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
PSC-46-21-00014-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated.	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access.
PSC-47-21-00004-P	..... exempt	Proposed modifications to CDRP.	To consider revisions to CDRP, as well as conforming tariff revisions.
PSC-47-21-00005-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated.	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access.
PSC-48-21-00004-P	..... exempt	Proposed filings to modify Riders AB and J - Smart Home Rate.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-48-21-00005-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Hamburg.
PSC-48-21-00006-P	..... exempt	Electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan.	To consider whether to retire the Performance Assurance Plan.
STATE, DEPARTMENT OF			
DOS-19-21-00014-P	..... 07/15/22	Minimum standards for administration and enforcement of the Uniform Code and Energy Code	To revise the minimum standards applicable to a program for administration and enforcement of the Uniform Code and Energy Code
DOS-39-21-00013-P	..... 09/29/22	Procedures to help avoid abandonment of cemeteries and determine when a cemetery has become abandoned.	To provide procedures to help avoid abandonment of cemeteries and determine when a cemetery has become abandoned.
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-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.
TAF-46-21-00009-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, 2022 through March 31, 2021

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

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

CONSTRUCT/RENOVATE CANOPIES/LOADING DOCKS Rockland Psychiatric Center Orangeburg, Rockland County

Sealed bids for Project No. 45597-C, comprising separate contracts for Construction Work, Construct Canopies for Exterior Stairways and Renovate Loading Docks, Buildings 57-60, 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, December 15, 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 \$33,400 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 \$500,000 and \$1,000,000 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 283 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, 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

WASTEWATER TREATMENT PLANT IMPROVEMENTS Bedford Hills Correctional Facility Bedford Hills, Westchester County

Sealed bids for Project Nos. 45837-C, 45837-H, 45837-P and 45837-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Wastewater Treatment Plant Improvements, Building 92, Bedford Hills Correctional Facility, 247 Harris Road, Bedford Hills (Westchester 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, December 15th, 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 \$248,400 for C, \$37,600 for H, \$15,700 for P, and \$52,200 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 \$9,000,000 and \$10,000,000 for C, between \$1,000,000 and \$2,000,000 for H, between \$100,000 and \$250,000 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 581 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 on December 1, 2021 at 8:00 a.m., 10:00 a.m. and 1:00 p.m. at 247 Harris Road, Bedford Hills, 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 Mathew Vondras, (914-666-0889) 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 Electrical Work and an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC work and an overall goal of 6% for MWBE participation, 3% for Minority-Owned Business Enterprises ("MBE") participation and 3% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Plumbing Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 3% for the E trade contractor, 3% for the H trade contractor, and 3% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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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
CONCESSION STANDS
New York State Fairgrounds
Syracuse, Onondaga County**

Sealed bids for Project Nos. 46074-C, 46074-H, 46074-P and 46074-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Concession Stands, New York State Fairgrounds, 581 State Fair Boulevard, Syracuse (Onondaga 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 Agriculture & Markets, until 2:00 p.m. on Wednesday, December 15, 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 \$35,500 for C, \$10,200 for H, \$12,800 for P, and \$12,800 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 \$500,000 and \$1,000,000 for C, between \$100,000 and \$250,000 for H, between \$100,000 and \$250,000 for P, and between \$100,000 and \$250,000 for E.

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

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

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

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

The substantial completion date for this project is 507 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. on December 6th, 2021 at the Admin Building Parking Lot, NYS Fairgrounds, 581 State Fair Blvd., Syracuse, 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 Marguerite Strong (315-428-4419) 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 HVAC 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 Electrical Work and Plumbing Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 3% for the E trade contractor, 3% for the H trade contractor, and 0% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, 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

Three (3) Roofing & Appurtenance Work Contracts:
47181-T, 47183-T, 47185-T

Sealed bids for the above Work located in the Geographic Contract Areas described below in Table 1 and comprising separate contracts for Roofing & Appurtenance Work, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Management, 35th Floor Corning Tower, Empire State Plaza, Albany, NY 12242, until 2:00 p.m. on the date indicated in Table 2 below, 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 certified check, bank check, or bid bond in the amount of \$25,000.

This Advertisement for Bids is for multiple Job Order Contracts (hereinafter called JOC). A Job Order Contract is an indefinite quantity contract pursuant to which the Contractor will perform a series of individual repair, alteration, modernization, maintenance, rehabilitation, demolition and construction projects at different locations. Work is accomplished by means of issuance of a Job Order against a master contract. Under the JOC concept, the Contractor furnishes all management, documentation, labor, materials and equipment needed to perform the Work. The State has published Construction Task Catalogs® containing a series of work items with pre-established Unit Prices. The Contractor will bid Adjustment Factors to be applied to the pre-established Unit Prices. The price paid by the State for an individual Project will be determined by multiplying the pre-established Unit Prices by the appropriate quantities and by the appropriate Adjustment Factor(s).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Anticipated Annual Value of Work as noted in Table 2.

Table 1- Geographic Contract Areas
Geographic Roofing Contract Area

Contract #	Area Title	Counties Served
47181-T	1-2	Bronx, Dutchess, Kings, New York, Orange, Putnam, Queens, Richmond, Rockland, Nassau, Suffolk, Sullivan, Ulster and Westchester
47183-T	3-4	Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, and Washington
47185-T	5-6	Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga & Tompkins

The Completion dates for these Projects, is 365 days after the Agreement is approved by the Comptroller.

Table 2- Contract Values and Bid Due Dates

Contract Number	Anticipated Annual Value of Work	Bid Due Date
47181-T	\$2,000,000	15 December 2021
47183-T	\$1,500,000	15 December 2021
47185-T	\$1,000,000	15 December 2021

Prospective bidders must register for a Pre-Bid Conference in order to attend. The conference will be held for the purpose of discussing the JOC concept, Contract Documents, specifics of the OGS JOC program, OGS expectations, JOC from the Contractor’s perspective (including how to properly prepare a bid) and other bid considerations. The attendees representing prospective bidders at the Pre-Bid Conferences should be principals of the firm and/or the individuals who will be compiling the bid on behalf of the firm. If the bidder is a joint venture, at least one party of the joint venture must register to attend a Pre-Bid Conference.

Pre-Bid Conferences – Zoom:

Using the links below, prospective bidders will need to register for one of the dates listed below. Prospective bidders will then receive a confirmation email with a link to join on the selected date. Prospective bidders will click on one of the provided links within the confirmation email and Zoom will launch. The system will walk prospective bidders through joining the meeting by audio either via phone or on their computer.

Wednesday December 01, 2021 - 10:00 AM - 12:00 PM

Tuesday December 07, 2021 - 10:00 AM - 12:00 PM

Zoom Link – December 01, 2021

<https://bit.ly/2XUGugi>

Zoom Link – December 07, 2021

<https://bit.ly/3pQcXjG>

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.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are

expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

PUBLIC NOTICE

Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for December 2021 will be conducted on December 15 and December 16 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at <https://www.cs.ny.gov/commission/>

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. One, Albany, NY 12239, (518) 473-6598

PUBLIC NOTICE

Division of Criminal Justice Services
Law Enforcement Agency Accreditation Council

Pursuant to Public Officers Law § 104, the NYS Division of Criminal Justice Services gives notice of a meeting of the Municipal Police Training Council to be held on:

Date: Thursday, December 2, 2021
Time: 10:00 a.m.
Place: Division of Criminal Justice Services
Alfred E. Smith Office Bldg.
80 S. Swan St.
CrimeStat Rm. (Rm. 118)
Albany, NY 12210*

*Identification and sign-in are required at this location. *For further information, or if you need a reasonable accommodation to attend this meeting, please contact:* Division of Criminal Justice Services, Office of Public Safety, Alfred E. Smith Office Bldg., 80 S. Swan St., Albany, NY 12210, (518) 457-2667

Live Webcast will be available as soon as the meeting commences at: <http://www.criminaljustice.ny.gov/pio/openmeetings.htm>

PUBLIC NOTICE

Division of Criminal Justice Services
Municipal Police Training Council

Pursuant to Public Officers Law § 104, the NYS Division of Criminal Justice Services gives notice of a meeting of the Municipal Police Training Council to be held on:

Date: Wednesday, December 1, 2021
Time: 10:00 a.m.
Place: Division of Criminal Justice Services
Alfred E. Smith Office Bldg.
80 S. Swan St.
CrimeStat Rm. (Rm. 118)
Albany, NY 12210

Identification and sign-in are required at this location. *For further information, or if you need a reasonable accommodation to attend this meeting, please contact:* Division of Criminal Justice Services, Office of Public Safety, Alfred E. Smith Office Bldg., 80 S. Swan St., Albany, NY 12210, (518) 457-2667

Live Webcast will be available as soon as the meeting commences at: <http://www.criminaljustice.ny.gov/pio/openmeetings.htm>.

PUBLIC NOTICE

Department of State
F-2021-0754

Date of Issuance – December 1, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0754, James Lukan, is proposing a replacement of a recently lost base to an existing stairway, to repair or replace the existing stairway and add an incline elevator. The proposed structure would include an 18' x 18' x 12' concrete base including a 5' wide cantilevered area on two sides with a guard rail. The top elevation of the base would be ~586.85'. The proposal includes repairing or replacing the existing cantilevered stair with a 8' x 12.32' stair with 4' wide stairs. Four-foot-wide concrete stairs would also lead down 12' from the top of the base. The proposal also includes a 3.75' wide incline tram rail and tram with the proposed tram drive system located at the top of the bluff. The proposal would include "limited grade removal" from the bluff to install the tram rail.

The stated purpose of the proposal is "for a replacement of the recently lost base to our existing stair, repair or replacement of the existing stair and the addition of an incline elevator to ensure access for those unable to safely navigate the stair."

The proposal is for the applicant's property on Lake Erie at 6960 Lake Shore Road in the Town of Evans, Erie County.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-0754publicnotice.pdf>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or December 31, 2021.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2021-0767

Date of Issuance – December 1, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-0767.pdf>

In F-2021-0767, or the "Egan Property Shoreline Project", the applicant – Jocelyn Egan – proposes to remove and replace approximately 72 linear feet of functioning existing bulkhead, including returns and parallel capping boardwalks, in place. The replacement bulkhead will be 18 inches higher than the existing bulkhead. In addition, armor stone is proposed along the existing timber groin.

The purpose of the proposed project is to "construct/replenish erosion protection structures to provide shoreline resiliency and prevent damage or property loss during future storm events". The project will occur at 35 Argyle Drive, in the Town of Eatons Neck, Suffolk County on Huntington Bay.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, December 31, 2021.

Comments should be addressed to: Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2021-0795

Date of Issuance – December 1, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New

York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-0795.pdf>

In F-2021-0795, or the "39 Cedar Crest Bridge & Dock", the applicant – Cedar Crest Road LLC – proposes the construction of four foot wide by two hundred sixty-two foot long timber bridge over Davis Creek. In addition, the applicant proposes a four foot by six foot platform off of the proposed bridge to the west side leading to a three foot wide by twelve foot long ramp and a six foot wide by twenty foot long float with two eight inch diameter float securing piles.

The purpose of the proposed project is for "access to property across creek and boat dockage". The project will occur at 39 Cedar Crest Bridge, in the Town of Southampton, Suffolk County on the Davis Creek.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, December 31, 2021.

Comments should be addressed to: Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2021-0796

Date of Issuance – December 1, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-0796.pdf>

In F-2021-0796, or the "Admiral's Cove Shoreline Stabilization and Pedestrian Bridge", the applicant – Admiral's Cove LLC – proposes the construction of a new stone revetment, a pedestrian bridge, a look out bridge, a low water island and six new marina slips.

The proposed revetment will extend from the easterly end of the proposed pedestrian bridge to the westerly end of the proposed pedestrian bridge. The southerly line of the proposed stone revetment will run parallel to the new parking lot for the existing Haverstraw to Ossining Ferry service. In connection with the construction of the stone revetment a small area will be filled. This small area formed as the result of stormwater runoff from the upland site. The area of the fill is 455 square feet, and the volume of fill is 16.8 cubic yards.

A 10 foot wide by 116-foot line pedestrian bridge will be part of a continuous waterfront promenade and it will connect the Haverstraw to Ossining ferry terminal to the promenade on the westerly end of the bridge. The promenade will connect to West Street north of the bridge and will lead to the Village of Haverstraw downtown. The shoreline north of the pedestrian bridge will be left mostly in its natural state with very little change to the existing trees and vegetation. A natural stone edge will be installed landward of the MHHW line.

The proposed low water island is an area of the mudflat which is above the level of MLW. The "island" will be enhanced with new vegetation and will be surrounded with a ring of natural stone. One or two tidal pools will be added to create new habitat. A five-foot-wide look out bridge will extend from the proposed walkway for 60 feet. The

easterly end of the bridge will terminate at the “low-water island”. Due to increased demand, six slips will be added to the existing Marina.

The purpose of the proposed project is for “implementation of the Village of Haverstraw Comprehensive Plan and LWRP”. The project will occur at the foot of Girling Drive, in the Village of Haverstraw, Rockland County on the Hudson River.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, December 31, 2021.

Comments should be addressed to: Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2021-0995

Date of Issuance – December 1, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-0995, South Fork Sea Farmers are proposing to create the base for a self-sustaining oyster reef in Accabonac Harbor as a natural filter to remove excess nutrients from the water. The project also plans to create a habitat for the juvenile stage for many aquatic species and to demonstrate an easily replicable model for oyster reef development that is cost-effective, self-sustaining, and has a significant positive impact on the aquatic habitat.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-0995southforkseafarmers.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or December 31, 2021.

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

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

PUBLIC NOTICE

Department of State
F-2021-1021

Date of Issuance – December 1, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with

and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-1021, Shanna Ouyang is proposing a 8’ x 20’ float held in place by four mooring piles, a 2.5’ x 18’ ramp attached to the existing bulkhead and four 10” diameter mooring piles. The project is located on the Merrick Canal at 2860 Clubhouse Road, Merrick, NY, 1156, Nassau County.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-1021ouyang.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or December 31, 2021.

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

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

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0490 Matter of Bruce Spenadel, 1400 Old Northern Boulevard, Second Floor, Roslyn, NY 11576, for variances concerning, sprinklering a finished attic for storage. Involved is an existing dwelling located at 16 Nassau Drive, Incorporated Village of Kensington, County of Nassau, State of New York.

2021-0442 Matter of John Varghese, 1315 Jericho Turnpike, New Hyde Park, NY 11040, for a variance concerning, The Headroom at Stairs. Involved is an existing dwelling located at, 31 Martin Avenue, Incorporated Village of Hempstead, County of Nassau, State of New York.

2021-0489 Matter of Vincent Greco, 2004 Newbridge Road, Bellmore, NY 11710, for a variance concerning, toilet room fixtures. Involved is an existing dwelling located at 53 Deer Lane, Town of Hempstead, County of Nassau, State of New York.

2021-0486 Matter of Vincent Greco, 2004 Newbridge Road, Bellmore, NY 11710, for a variance concerning, hallway ceiling height requirements. Involved is an existing dwelling located at 357 Kirkman Avenue, Town of Hempstead, County of Nassau, State of New York.

2021-0502 Matter of Shameeza Decaires, 807 Park Place, Uniondale, NY 11553, for variances including, toilet room heights and fixture spacing. Involved is a dwelling located 807 Park Place, Town of Hempstead, County of Nassau, State of New York.

2021-0435 Matter of Michael Berko R.A., 3245 Benjamin Road, Oceanside, NY 11572, for a variance concerning, freeboard requirements. Involved is a dwelling located at 3259 Judith Lane, Oceanside, Town of Hempstead, County of Nassau, State of New York.

2021-0385 Matter of Pablo Ross P.E., 407 Millers Lane, Wyncwood, PA 19096, for a variance concerning, the location of oil storage tanks located at 15 St. Pauls Place, Incorporated Village of Great Neck Plaza, County of Nassau, State of New York.

2021-0463 Matter of Ronald Digangi 255-02 73rd Avenue, Glen Oaks, NY 11004, for a variance concerning extending use of a temporary structure. Involved is an existing structure located at, 919 Franklin Avenue, Incorporated Village of Garden City, County of Nassau, State of New York.

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2021-0535 Matter of Beyond Van Gogh located at 4545 Transit Road Eastern Hills Mall, Town of Clarence (County of Erie), NY, for a variance concerning temporary structure requirements. (Board Variance)

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2021-0555 In the matter of Barry Valentine of Certified Properties of Tompkins County Inc., 427 North Cayuga Street, Ithaca, NY 14850, for a variance for diminutive code issues concerning railings and guard rails at an apartment building located at 313 Wait Avenue, City of Ithaca, County of Tompkins, State of New York.

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2021-0556 Matter of Bola Strategic Group located at 11234 Main Street, Town of Newstead (County of Erie), NY, for a variance concerning sprinkler requirements. (Board Variance)

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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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.

2021-0557 Matter of Dollar General at Hemlock located at 4797 Main Street, Town of Livonia (County of Livingston), NY, for a variance concerning water stream allowance requirements. (Board Variance)