
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 February 20, 2022
- the 45-day period expires on February 5, 2022
- the 30-day period expires on January 21, 2022

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
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

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

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

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

Department of Audit and Control

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Regular Interest; Rate of Estimated Future Investment Earnings; Mortality and Service Tables for Valuation

I.D. No. AAC-51-21-00005-P

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

Proposed Action: This is a consensus rule making to amend sections 300.1 and 310.1; repeal Appendix 10 of Title 2 NYCRR.

Statutory authority: Retirement and Social Security Law, sections 11 and 311

Subject: Regular interest; rate of estimated future investment earnings; mortality and service tables for valuation.

Purpose: To update the rate of estimated future investment earnings and the mortality and service tables used for valuation purposes.

Substance of proposed rule (Full text is posted at the following State website: <https://www.osc.state.ny.us/retirement>): Part 300.1(b) is amended to provide that the rate of estimated earnings for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System shall be 5.9.

Part 310.1 is amended to update the mortality and service tables used for valuation purposes.

Appendix 10 is repealed and replaced with a new Appendix 10.

Text of proposed rule and any required statements and analyses may be obtained from: Marcella Sgroi, Office of the State Comptroller, 110 State Street, Albany NY12236, (518) 473-4138, email: msgroi@osc.ny.gov

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

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

Consensus Rule Making Determination

This is a consensus rulemaking proposed for the purpose of updating certain regulations relating to the rate of estimated future investment earnings; and the mortality and service tables used for valuation purposes. It has been determined that no person is likely to object to the adoption of the rule as written.

Department of Economic Development

NOTICE OF ADOPTION

New York City Musical and Theatrical Production Tax Credit Program

I.D. No. EDV-30-21-00002-A

Filing No. 1219

Filing Date: 2021-12-06

Effective Date: 2021-12-22

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

Action taken: Addition of Part 270 to Title 5 NYCRR.

Statutory authority: L. 2021, ch. 59, part PP, subpart B

Subject: New York City Musical and Theatrical Production Tax Credit program.

Purpose: To create the administrative processes for the New York City Musical and Theatrical Production Tax Credit program.

Text or summary was published in the July 28, 2021 issue of the Register, I.D. No. EDV-30-21-00002-EP.

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

Text of rule and any required statements and analyses may be obtained from: Thomas Regan, Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5123, email: thomas.regan@esd.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

ESD Responses to Regulation Comments

The following is a summary of comments received on the New York City Musical and Theatrical Productions Tax Credit Program by Empire State Development (ESD) and its responses.

Comment - Recommendation that the \$200,000 weekly cap on compensation and related expenses should not apply to salary of personnel employed by the venues in which the qualified musical and theatrical production is presented.

ESD Response – ESD disagrees as such expenses fall squarely under Tax Law section 24-c(b)(2)(ii) which clearly caps salaries and personnel compensation at \$200,000 per week. ESD also believes it was the intent of this program to include such costs in the \$200,00 weekly compensation cap. In addition, ESD notes that this statutory language is the same as in

the upstate musical and theatrical tax credit program and the draft regulation is consistent with the regulation for the upstate program.

Comment - Program guidelines state that fees related to tickets distributed under the public access and availability plan shall not exceed \$4 per ticket. Commenter suggests adding clarifying language that such fee is solely for distribution fees of the tickets by a ticket distributor, such as TDF, and does not include other fees charged by a facility or applicant, such as facility operation and theatre restoration fees, which are subject to and included in the \$20 and \$40 tickets price caps.

ESD Response – ESD agrees and is clarifying this point in its guidelines.

Comment - The repayment calculation should reflect unrecouped production budget expenses (meaning all expenses incurred prior to opening night), specifically by adding a requirement that a production must fully recoup its pre-opening production budget before incurring a repayment obligation. Otherwise, a Broadway show may be required pay back a portion of the credit before it has recouped its full production budget and has moved out of an overall loss position on its investment.

ESD response – ESD disagrees. The law requires repayment if a production earns ongoing revenues prospectively after the end of the credit period that is at least equal to 200% of its ongoing revenues. To adjust the repayment calculation as suggested would be contradictory to the statutory intent.

Comment – Commenter suggests that ESD modify the required repayment amount per repayment period because the amount of repayment may very quickly be the full equivalent of 50% of the tax credit under the current formula if required to be a full twenty-five percent of net operating profits (especially depending on the answers to the questions in the next paragraph). Certain shows are extremely cyclical in their economic performance – they may run substantial profits during the summer and December holiday season, and incur losses or barely break even otherwise and be reliant on those robust summer and holiday grosses to keep them going. 25% of net operating profits during a holiday period might equal 25% to 50% of its tax credit, which can be materially damaging for a show that relies on that holiday period's profits for its financial survival in the coming lean months. A more modest repayment obligation would balance the requirement to repay a part of the tax credit with keeping such shows operating.

ESD response – ESD does not have the flexibility under the law to change the repayment percentage to make it lower than 25%. That said, ESD already allows for an even repayment for productions that are cyclical in nature in that we do not require repayment until a quarter has passed, a calculation is made to see if the production's ongoing revenue reached at least 200% of its ongoing production costs and then payments are made on a monthly basis, not all at once or under a narrow schedule.

Comment - Commenter notes that there remains a lack of clarity as far as the actual mechanics of the repayment mechanism for the credit. For example, (1) after the end of the credit period, when does the first quarterly period commence – the first date of the next quarterly period under customary theatre accounting, or on the first date after the credit period (for example, if a credit period ends on February 15th, would the first quarterly period commence on April 1st if that is how the production measures its accounting quarters, or on February 16th, the day after the credit period); and (2) which precise month or months, and for how many months, must a production calculate repayment of up to twenty-five percent of net operating profits once the ongoing revenue threshold is met.

ESD response - The quarterly periods will be calendar year quarters. The first quarterly period for evaluating ongoing revenues, production costs and net-profits will begin the first day following the end of the credit period and extend through the end of the last day of that calendar year quarter. If the evaluation of net profits for the first quarterly period demonstrates that there are profits to be distributed, the first payment will be due by the end of the first month succeeding the end of that quarterly period. The next quarterly period begins the first day of the next calendar year quarter. The process continues until the production closes. This process is explained in the Guidelines (with examples).

Production companies will be required to submit a proposed payment reschedule for review and approval by ESD at the end of each quarterly period up until the 50% of the tax credit threshold is reached and all obligations incurred have been repaid. ESD acknowledges the potential cash flow issues of a production's ongoing revenues and costs and will be amenable to payment schedules that smooth out the cash flows and minimize large payments in any particular month.

The end date for profit distributions is December 31, 2025.

Comment – Commenter notes that they believe that the entity receiving the Credit should be the entity required to repay the requisite percentage of tax credit required under the law. For example, if a member of a show LLC receives the tax credit, that same member should be responsible for any subsequent repayment. This would avoid paying one entity but requiring another entity to repay a portion of the credit. For LLCs, the repayment obligation has unintended consequences in benefiting the investors but hurting the show.

ESD response – Under the statute, the entity required to repay under the statute is the New York City musical and theatrical production company, not its individual members.

Comment – Commenter asks that since ESD has opined that it will allow a show to form a C corporation for the purpose of applying for the tax credit, it requests that those shows who have applied forming an LLC be given the opportunity to amend their application to utilize a C Corporation.

ESD response – ESD will allow an entity to amend its application to a C corporation. If an applicant has already incurred production costs as an LLC, a newly formed C-Corp must reimburse the LLC for those costs if those costs are to be included in the qualified costs reported for the tax credit.

NOTICE OF ADOPTION

Restaurant Return to Work Tax Credit Program

I.D. No. EDV-32-21-00004-A

Filing No. 1225

Filing Date: 2021-12-06

Effective Date: 2021-12-22

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

Action taken: Addition of Part 280 to Title 5 NYCRR.

Statutory authority: L. 2021, ch. 59, part PP, subpart A

Subject: Restaurant Return to Work Tax Credit program.

Purpose: To create the administrative processes for the Restaurant Return to Work Tax Credit program.

Text or summary was published in the August 11, 2021 issue of the Register, I.D. No. EDV-32-21-00004-EP.

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

Text of rule and any required statements and analyses may be obtained from: Thomas P. Regan, Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5120, email: thomas.regan@esd.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

Comment

Commenter wants the process simpler than what is proposed. They suggest pushing the filing period to the other side of the extended corporate filing deadline of 9/15. They also suggest eliminating the requirement to upload the Q3 payroll tax returns.

Comment asks what is the definition of a full-time employee? Do part time employees count at all? Do they need to be "new" employees, or can they be rehired from 2020? Is this a first come, first served credit?

Response

The application process was designed to ensure proper stewardship of the monies to be awarded under the Program. Applicants that choose to apply under the advance payment option are required to submit supporting documentation under a tight schedule as the deadline to claim the credit under this option is November 15, 2021. Applicants who do not choose to utilize the advance payment option have additional time to submit the required documentation.

Full-time employee is defined as someone working 35 or more hours a week. Our application requests employment information including a breakout of full-time and part-time employees. This information is used to calculate average full-time equivalents for both the starting and ending periods. Employment growth is then determined from this calculation. It is not necessary to rehire the same employees.

Per statute, the average ending employment is defined as average full-time equivalents for the April to August period. The Q3 payroll tax return includes July and August and therefore must be provided as evidence of employment growth.

Applications will be processed first come, first served with an opportunity to cure an application that is not complete after first submission.

Comment

Commenter will be hiring new employees in the month of September. They are located in Kingston, New York and wonder if they can apply as they are in Ulster County which wasn't mentioned in the description.

Response

The Program requires an establishment to be in an area which has been and/or remains designated by the Department of Health as either an orange

zone or red zone pursuant to Executive Order 202.68 as amended, and for which such designation was or has been in effect and resulted in additional restrictions on indoor dining for at least thirty consecutive days. Ulster County did not have any such zones.

Comment

Commenter works with a company that has 20 locations in NYC and is owned 35% by private equity and 65% by individuals. Each location is a separate entity; they roll up into a holding company that files one tax return. It's my understanding that if an entity is owned by a private equity or venture capital fund, it would be disqualified from being considered "independently owned and operated". Is this correct, and thus would make this company ineligible for the credit? Since each location is a separate entity, does the \$50,000 per business limit apply to each individual location or to the company as a whole?

Response

Neither the statute, regulations nor guidelines state any reference to private equity or venture capital fund with respect to the definition of independently owned and operated that automatically or categorically excludes an entity based on an ownership structure involving private equity or venture capital. An eligible applicant is an independently owned establishment as defined in the regulations. A business concern must independently manage and control the day-to-day operations of its own business through its ownership and management, without undue influence by an outside entity or person that may have an ownership and/or financial interest in the management responsibilities of the small business.

A business entity is a sole proprietor, partnership, limited liability company, or a corporation (C-Corp or S-Corp) with its own federal employer identification number (FEIN), or in the case of a sole proprietor, a social security number. Each independently owned establishment with its own FEIN or social security number is eligible to apply as a business entity and the \$50,000 limit applies to each entity.

Comment

Commenter voices concern with the program appearing to not take into account businesses which were in the process of opening in 2020 but were unable to due to state mandated closures.

Commenter owns a building with a tenant who this circumstance directly relates to. Significant capital was spent by them (and me as landlord) on the make-ready for the building however the restaurant was unable to open due to mandated closures in 2020 and, operated under limited capacity in 2021.

Response

The statute requires an applicant to have experienced economic harm as a result of the COVID-19 emergency as evidenced by a year-to-year decrease of at least forty percent in New York state between the second quarter of two thousand nineteen and the second quarter of two thousand twenty or the third quarter of two thousand nineteen and the third quarter of two thousand twenty for one or both of: (i) gross receipts or (ii) average full-time employment. An applicant that was not in operation in 2020 cannot meet this requirement.

NOTICE OF ADOPTION

Excelsior Jobs Program

I.D. No. EDV-36-21-00001-A

Filing No. 1218

Filing Date: 2021-12-06

Effective Date: 2021-12-22

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

Action taken: Amendment of Parts 190, 191 and 193 of Title 5 NYCRR.

Statutory authority: Economic Development Law, art. 17; L. 2021, ch. 59

Subject: Excelsior Jobs program.

Purpose: Update regulations to include newly enhanced tax credits for projects including child care services.

Text or summary was published in the September 8, 2021 issue of the Register, I.D. No. EDV-36-21-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: Thomas Regan, New York State Dept. of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5123, email: thomas.regan@esd.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

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

Employee Training Incentive Program

I.D. No. EDV-51-21-00006-P

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

Proposed Action: Amendment of Part 250 of Title 5 NYCRR.

Statutory authority: L. 2015, ch. 59, section 1, Part O; L. 2019, ch. 59, Part B

Subject: Employee Training Incentive Program.

Purpose: To update the administrative process for the ETIP program.

Substance of proposed rule (Full text is posted at the following State website: www.esd.ny.gov):

The revised regulation contained in 5 NYCRR Part 250, which governs the employee training incentive program, is amended as follows:

The revised regulation now defines three new terms added in statute, "eligible training costs": "software development," and "clean energy" and updates the definition of stipend. The definitions of "eligible training costs" and "stipend" are updated to allow necessary travel and child care costs as part of the credit.

The revised regulation makes clear that eligible internship programs now include those in software development and clean energy as well as those in life sciences and advanced technology and that a business utilizing the internship component of this program will no longer have to demonstrate that its interns make up less than 50% of its workforce.

The revised regulation clarifies that in order to be eligible for the program a business entity must demonstrate that it is either conducting the training itself or having a third-party provider conduct it. The regulation also makes clear that significant capital investment now has to be "related to" the training, not "in connection with." It also adds, for clarity's sake, a section setting forth the calculation of the credit which parallels the statutory calculation.

Finally, the revised regulation requires a business entity participating in the program to fill out a post project survey for information tracking purposes.

Text of proposed rule and any required statements and analyses may be obtained from: Thomas Regan, NYS Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5120, email: thomas.regan@esd.ny.gov

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

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

Regulatory Impact Statement

STATUTORY AUTHORITY:

Section 1 of Part O of Chapter 59 of the Laws of 2015 required the Commissioner of the Department of Economic Development (the "Department") to promulgate regulations establishing the application process for the Employee Training Incentive Program ("ETIP"). These procedures included the process for applying for tax credits under ETIP, standards for the assessment of applications, and other provisions deemed necessary and appropriate. Part B of Chapter 59 of the Laws of 2019 amended certain aspects of the program which, in turn, are being captured by this rulemaking along with certain other revisions described below.

LEGISLATIVE OBJECTIVES:

The proposed rule gives effect to the intention of the legislature in adopting ETIP to encourage employers in strategic industries, characterized by technological disruption and a shortage of potential employees within New York State, to develop talent in New York State through eligible training and internship programs rather than relocating to other regions to secure skilled employees.

NEEDS AND BENEFITS:

The rulemaking is necessary in order to update the existing regulations which govern the program so that they will now conform to recent statutory changes made by the Legislature.

New York suffers from a skills gap in its workforce, resulting in thousands of job vacancies that employers are unable to fill due to a shortage of qualified workers. Without action on the part of the state, employers in industries subject to such shortages of skilled workers may relocate outside of New York in order to retain adequate numbers of skilled employees. This problem is made more acute by the action of other states in the region to create programs to cultivate pools of skilled labor, creating

an incentive for employers in New York to relocate jobs outside of the state. To address this problem, ETIP provides tax credit incentives to business entities that conduct or procure eligible training or provide eligible internship programs in advanced technology, life sciences, software development or clean energy.

Business applicants to the program must first establish that they are engaged in a strategic industry, as evidenced by factors such as shortages of skilled employees and technological disruption in the industry. Furthermore, such applicants must demonstrate, among other things, that they themselves will be providing or they will be procuring eligible training from an approved provider or providing an eligible internship program in advanced technology, life sciences, software development or clean energy.

The proposed rule updates the administrative aspects of the program to allow for the business entities themselves to receive the tax credit when they provide for such training in house in addition to when they utilize a third party. In addition, it extends the eligible sectors for internship programs under this program to include software development and clean energy internships.

The proposed rule also clarifies: 1) that necessary travel and child care service costs may be covered as part of the credit for the skills training and internship components of the program; 2) that a business utilizing the internship component of this program will no longer have to demonstrate that its interns make up less than 50% of its workforce; and 3) that business entities participating in the program will have to complete a post project survey for the Department.

COSTS:

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

II. Costs to the regulating agency for the implementation and continued administration of the rule: None.

III. Costs to the State government: None.

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

LOCAL GOVERNMENT MANDATES:

None. There are no local government mandates associated with ETIP.

PAPERWORK:

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

DUPLICATION:

The proposed rule amends the existing regulations of the Commissioner of the Department of Economic Development, Part 250 of 5 NYCRR. Accordingly, there is no risk of duplication in the adoption of the proposed rule.

ALTERNATIVES:

No alternatives were considered with regard to creating a new rule in response to the statutory requirement. The rule updates procedures for business entities to apply to ETIP. This action is necessary in order to clarify how qualifying businesses in strategic industries may receive program benefits and puts the regulations in conformity with the ETIP statute.

FEDERAL STANDARDS:

There are no federal standards applicable to ETIP; it is purely a state program that offers tax benefits to business entities in strategic industries incurring qualifying costs for eligible training or an eligible internship program in advanced technology. Therefore, the proposed rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

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

Regulatory Flexibility Analysis

Participation in the Employee Training Incentive Program (“ETIP”) is entirely at the discretion of qualifying business entities. Neither statute nor the rule impose any obligation on any local government or business entity to participate in the program. The rule does not impose any adverse economic impact or compliance requirements on small businesses or local governments. In fact, the proposed rule may have a positive economic impact on small businesses. Only small businesses, those with one hundred (100) employees or fewer, are eligible to apply to ETIP for benefits associated with providing an eligible internship program.

Because it is evident from the nature of the rule that it will have either no impact or a positive impact on small businesses and local government, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small busi-

nesses and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

The Employee Training Incentive Program is a statewide business assistance program. Strategic businesses in rural areas of New York State are eligible to apply to participate in the program entirely at their discretion. Municipalities are not eligible to participate in the Program. The rule does not impose any special reporting, record keeping or other compliance requirements on private entities in rural areas. Therefore, the rule will not have a substantial adverse economic impact on rural areas nor on the reporting, record keeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The rule updates administrative procedures for business entities to apply to the Employee Training Incentive Program (“ETIP”) for tax credit benefits associated with providing eligible training to their employees, or an eligible internship program in advanced technology, life sciences, software development or clean energy. The program aims to induce employers to provide training in order to cultivate a pool of skilled workers who can meet the requirements for unfilled positions in strategic industries. The rule will not have a substantial adverse impact on jobs and employment opportunities; rather, the program is intended to increase employment opportunities.

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

Education Department

EMERGENCY RULE MAKING

Technical Amendments Relating to the School Safety and Educational Climate (SSEC) Reporting System

I.D. No. EDU-39-21-00001-E

Filing No. 1228

Filing Date: 2021-12-07

Effective Date: 2021-12-07

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

Action taken: Amendment of section 100.2(gg)(8) of Title 8 NYCRR.

Statutory authority: Education Law, sections 15, 101, 207, 305, 308 and 2802

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

Specific reasons underlying the finding of necessity: At its April 2021 Regents meeting, the Board of Regents voted to adopt amendments to section 100.2(cc), (gg) and 120.3(a) of the Commissioner’s regulations to: (1) update the definitions of violent and disruptive incidents for purposes of the uniform violent and disruptive incident reporting system (VADIR), also known as the safe schools and educational climate (SSEC) reporting system, consistent with the requirements of Education Law § 2802 and the recommendation of the Department’s Safe Schools Task Force; and (2) update the categories of serious violent incidents that are included in the School Violence Index (SVI) and used for the purposes of determining persistently dangerous schools, consistent with the recommendations of the Safe Schools Task Force.

The April 2021 amendments to the Commissioner’s regulations inadvertently omitted the word “assault” in section 100.2(gg)(8) concerning the categories of serious violent incidents that must be included for purposes of determining persistently dangerous schools. Therefore, the proposed amendment is necessary to resolve this oversight by inserting the inadvertently omitted language.

The proposed amendment was presented to the Full Board for adoption as an emergency rule at the July 2021 meeting of the Board of Regents, effective September 8, 2021. Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regu-

lar (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 January 2022 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earlier effective date of the proposed rule, if adopted at the January 2022 meeting, would be January 26, 2022 the date the Notice of Adoption would be published in the State Register.

However, the emergency rule will expire December 6, 2021. Therefore, a second emergency action is necessary at the November 2021 meeting for the preservation of the general welfare in order to immediately make a technical correction to ensure that the amendments to the Commissioner's regulations adopted at the April 2021 meeting are properly administered pursuant to the policies established by the Board of Regents and to ensure that the emergency action taken at the July 202 meeting remains continuously in effect until the rule can be permanently adopted.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the January 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.

Subject: Technical amendments relating to the School Safety and Educational Climate (SSEC) reporting system.

Purpose: To make technical corrections relating to the SSEC reporting system.

Text of emergency rule: Paragraph (8) of subdivision (gg) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(8) Persistently dangerous schools. For purposes of determining persistently dangerous schools pursuant to section 120.3 of this Subchapter, only the most serious violent incidents, which shall include only the following categories of incidents: *assault*, homicide, sexual offense, and incidents involving the possession or use of a weapon, as defined in this subdivision, shall be used in making such determination.

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-39-21-00001-EP, Issue of September 29, 2021. The emergency rule will expire February 4, 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:

Section 15 of the Education Law requires the Commissioner to create a reporting system under which material incidents of harassment, bullying and discrimination are reported to the Department.

Section 101 of the Education Law 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.

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.

Education Law 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.

Education Law section 308 authorizes the Commissioner to enforce and give effect to any provision in the Education Law or in any other general or special law pertaining to the school system of the State or any rule or direction of the Regents.

Education Law section 2802, as added by section 5 of Chapter 181 of the Laws of 2000, required the Commissioner of Education to promulgate regulations establishing a statewide uniform violent incident reporting system that public school districts, boards of cooperative educational services (BOCES) and county vocational education and extension boards shall follow to annually report to the Commissioner information concerning violent and disruptive incidents that occurred in the prior school year.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to make a technical correction to the amendments made to section 100.2(gg)(8) of the Commissioner's regulations adopted at the April 2021 Regents meeting, by inserting the word "assault" in such section, as a category of serious violent incidents that must be included for purposes of determining persistently dangerous schools.

3. NEEDS AND BENEFITS:

At its April 2021 Regents meeting, the Board of Regents voted to adopt

amendments to section 100.2(cc), (gg) and 120.3(a) of the Commissioner's regulations to: (1) update the definitions of violent and disruptive incidents for purposes of the uniform violent and disruptive incident reporting system (VADIR), also known as the safe schools and educational climate (SSEC) reporting system, consistent with the requirements of Education Law § 2802 and the recommendations of the Department's Safe Schools Task Force; and (2) update the categories of serious violent incidents that are included in the School Violence Index (SVI) and used for the purposes of determining persistently dangerous schools, consistent with the recommendations of the Safe Schools Task Force.

The April 2021 amendments to the Commissioner's regulations inadvertently omitted the word "assault" in section 100.2(gg)(8) as a category of serious violent incidents that must be included for purposes of determining persistently dangerous schools. Therefore, the proposed amendment is necessary to resolve this oversight by inserting the omitted language.

4. COSTS:

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

(b) Costs to local government: The proposed amendment does not impose any additional costs on regulated parties.

(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 amendment does not impose any program, service, duty, or responsibility on local governments.

6. PAPERWORK:

The proposed amendment imposes no new forms, reporting requirements, or other recordkeeping or 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 make a technical correction to the amendments made to section 100.2(gg)(8) of the Commissioner's regulations adopted at the April 2021 Regents meeting, by inserting the word "assault" in such section, as a category of serious violent incidents that must be included for purposes of determining persistently dangerous schools. There were no significant alternatives 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 amendment is consistent with the above statutory authority and is necessary to make a technical correction to the amendments made to section 100.2(gg)(8) of the Commissioner's regulations adopted at the April 2021 Regents meeting, by inserting the word "assault" in such section, as a category of serious violent incidents that must be included for purposes of determining persistently dangerous schools.

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 rule applies to all school districts, BOCES, charter schools, county vocational education and extension boards required to submit to the Commissioner annual reports of violent or disruptive incidents that occurred in the prior school year. The proposed amendment is consistent with the above statutory authority and is necessary to make a technical correction to the amendments made to section 100.2(gg)(8) of the Commissioner's regulations adopted at the April 2021 Regents meeting, by inserting the word "assault" in such section, as a category of serious violent incidents that must be included for purposes of determining persistently dangerous schools.

2. COMPLIANCE REQUIREMENTS:

At its April 2021 Regents meeting, the Board of Regents voted to adopt amendments to section 100.2(cc), (gg) and 120.3(a) of the Commissioner's regulations to: (1) update the definitions of violent and disruptive incidents for purposes of the uniform violent and disruptive incident reporting system (VADIR), also known as the safe schools and educational climate (SSEC) reporting system, consistent with the requirements of Education Law § 2802 and the recommendations of the Department's Safe Schools Task Force; and (2) update the categories of serious violent incidents that are included in the School Violence Index (SVI) and used for the purposes

of determining persistently dangerous schools, consistent with the recommendations of the Safe Schools Task Force.

The April 2021 amendments to the Commissioner's regulations inadvertently omitted the word "assault" in section 100.2(gg)(8) as a category of serious violent incidents that must be included for purposes of determining persistently dangerous schools. Therefore, the proposed amendment is necessary to resolve this oversight by inserting the omitted language.

3. PROFESSIONAL SERVICES:

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

4. COMPLIANCE COSTS:

The proposed rule does not impose any costs on local governments beyond those imposed by Education Law § 2802.

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 rule is necessary to make a technical correction to the amendments made to section 100.2(gg)(8) of the Commissioner's regulations adopted at the April 2021 Regents meeting, by inserting the word "assault" in such section, as a category of serious violent incidents that must be included for purposes of determining persistently dangerous schools. There were no significant alternatives 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, from the chief school officers of the five big city school districts and from charter schools.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule applies to school districts, boards of cooperative educational services (BOCES), charter schools and county vocational education and extension boards, 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:

At its April 2021 Regents meeting, the Board of Regents voted to adopt amendments to section 100.2(cc), (gg) and 120.3(a) of the Commissioner's regulations to: (1) update the definitions of violent and disruptive incidents for purposes of the uniform violent and disruptive incident reporting system (VADIR), also known as the safe schools and educational climate (SSEC) reporting system, consistent with the requirements of Education Law § 2802 and the recommendations of the Department's Safe Schools Task Force; and (2) update the categories of serious violent incidents that are included in the School Violence Index (SVI) and used for the purposes of determining persistently dangerous schools, consistent with the recommendations of the Safe Schools Task Force.

The April 2021 amendments to the Commissioner's regulations inadvertently omitted the word "assault" in section 100.2(gg)(8) as a category of serious violent incidents that must be included for purposes of determining persistently dangerous schools. Therefore, the proposed amendment is necessary to resolve this oversight by inserting the omitted language.

3. COSTS:

The proposed rule does not impose any costs beyond those imposed by Education Law § 2802.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to make a technical correction to the amendments made to section 100.2(gg)(8) of the Commissioner's regulations adopted at the April 2021 Regents meeting, by inserting the word "assault" in such section, as a category of serious violent incidents that must be included for purposes of determining persistently dangerous schools. Therefore, no alternatives were considered for school districts, BOCES, and county vocational education and extension boards located in rural areas.

5. RURAL AREA 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, from the chief school officers of the five big city school districts and from charter schools, including those in rural areas.

Job Impact Statement

The purpose of the proposed rule is to make a technical correction to the amendments made to section 100.2(gg)(8) of the Commissioner's regulations adopted at the April 2021 Regents meeting, by inserting the word "assault" in such section, as a category of serious violent incidents that must be included for purposes of determining persistently dangerous schools. 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.

Department of Environmental Conservation

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Environmental Remediation Programs

I.D. No. ENV-51-21-00003-P

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

Proposed Action: Amendment of Part 375 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, art. 1, section 0101, art. 27, titles 13 and 14, art. 52, title 3, art. 56, title 5, art. 71, title 36, art. 3, section 0301; L. 2003, ch. 1; L. 2004, ch. 577; State Finance Law, art. 6, section 97-b

Subject: Environmental Remediation Programs.

Purpose: To amend 6 NYCRR Part 375, Environmental Remediation Programs.

Public hearing(s) will be held at: 2:00 p.m., April 5, 2022 via electronic webinar; 5:30 p.m., April 7, 2022 via electronic webinar.

Instructions on how to "join" the hearing webinar and provide an oral statement will be published on the Department's proposed regulations webpage for 6 NYCRR Part 375 by December 22, 2021. The proposed regulations webpage for 6 NYCRR Part 375 may be accessed at: <https://www.dec.ny.gov/regulations/proproregulations.html>.

Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9764 and leave a message for Jenn Dawson. Please provide your first and last name, address, and telephone number and reference the Part 375 public comment hearing.

The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than March 22, 2022. The written request must be addressed to Deputy Commissioner, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to the Office of Hearings and Mediation Services at ohms@dec.ny.gov. Please include "Part 375 Public Comment Hearing" in the subject line.

The public comment period for Part 375 is open until 8:00 p.m., April 21, 2022. Comments may be entered during the hearing, e-mailed to derweb@dec.ny.gov, or mailed to NYS DEC, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233, Attn: Jenn Dawson. Please include "Part 375 Comments" in the subject or memo line of the correspondence.

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

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

Substance of proposed rule (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/proproregulations.html>): Part BB of Chapter 56 of the Laws of 2015 ("the 2015 Amendments") amended and added new language to the Environmental Conservation Law (ECL), and the various other laws of New York State. This rule making amends 6 NYCRR Part 375 (Part 375), Environmental Remediation Programs, to conform the 2015 Amendments to the New York State Department of Environmental Conservation's (DEC) regulations with respect Brownfield Cleanup Program (BCP) at ECL Article 27, Title 14; addresses and enhances requirements pertaining to the Inactive Hazardous Waste Disposal Site Remedial Program (also known as State Superfund Program, SSF) at ECL Article 27, Title 13 and the Environmental Restoration Program (ERP) at ECL Article 56, Title 5; and updates the soil cleanup objectives (SCOs) based on review and comments received DEC staff and the New York State Department of Health (DOH).

The rule making also amends Part 375 to incorporate needed changes, clarifications, and modifications to the regulations based on the experience developed during the first decade of implementing the BCP. The changes will increase consistency across remedial programs (SSF, BCP, ERP) administered by DEC's Division of Environmental Remediation and provide DEC with the tools necessary to more effectively implement these programs.

Notable proposed amendments to Part 375 are described in greater detail below. Additional minor, non-substantive, grammatical and formatting changes are proposed in each subpart as needed.

Subpart 375-1 (General Remedial Program Requirements)

Changes to section 375-1.2 (Definitions) include:

1. The definition of "brownfield site" is revised to reflect the amended statute, which references the presence of contamination rather than the complication of reuse.
2. The definitions of "change of use" is removed from each of subparts 375-2, 375-3 and 375.4, and added to 375-1, providing a consistent definition for all programs.
3. The definition for "responsible party" is moved from subpart 375-2 to 375-1. The term responsible party is also used in Part 375-3, and a consistent definition should apply to all uses of that term.
4. The definition for "historic fill" is removed. That term is not used in Part 375 (outside the definition itself). This term has also been removed from the Part 360 (solid waste) regulations.
5. The definition of "off-site contamination" is revised to include soil vapor and sediment.

The general provisions that apply to orders and agreements are clarified. The timeframe for payment of state costs are clarified to enhance DEC's ability to collect payment. Changes in Part 375-1.5(b)(2)(i) specify that requests for dispute resolution under an order or agreement be sent to the Division Director and provides a time frame. A new provision at Part 375-1.5(b)(6) explicitly states that DEC has the authority to initiate the termination of an order or agreement with cause.

Additional details are set forth in section 375-1.6 related to work plans and report requirements. A new provision requires daily reports during field work. This provision is intended to ensure that sufficient oversight is provided by the remedial party and documentation required for the Final Engineering Report (FER) is generated during the field work. Work plans will be required to provide details about import/export of fill and other materials. The information required to be provided in the FER, which is currently provided in templates and guidance, is added to the regulation. This includes a description of the work completed in accordance with the work plan, any changes to the approved design or work plan, and a list of wastes, documentation of disposal, manifests, etc. The certification requirements for the FER are updated to clarify who the certifying party(ies) is and the level of oversight required.

DEC has created administrative inactive hazardous waste disposal site classifications which DEC has posted on the public website. These classes are an important element used in the management of sites (particularly for sites in the BCP program and sites being evaluated for listing on the Registry), a new section is added at 6 NYCRR 375-1.7 to describe the specific administrative classes. Classes "A" and "C" are used in the BCP to denote sites that are "active" and "complete", respectively. Class "P" is assigned to sites being evaluated for listing on the Registry. Additional definitions regarding evaluating the appropriate class were necessary and include:

1. The definition of "remedial site" in section 375-1.2 is revised to include sites being evaluated for listing on the Registry (Class P sites).
2. A definition is added to section 375-1.2 for "site characterization" which is a preliminary investigation used to determine whether a potential site (or Class "P" site) should be listed on the Registry.

The remedial program requirements found in section 375-1.8 are modified to include the reconstruction of habitat disturbed by the remedial program, to acknowledge DEC's existing authority under 6 NYCRR Part 182, Part 608, Part 661, and Part 663. Groundwater plume stabilization and management requirements applicable to volunteers in the BCP are clarified to state that a volunteer is required to evaluate the on-site plume and prevent further migration of any plume off-site. Activities allowed under restricted use scenarios (particularly agricultural) are also clarified to allow raised planters, roof-top gardens, and, if approved by DEC, community gardens.

Clarifying details are added to the Certificate of Completion (COC) provisions in 375-1.9(e) to specify that DEC can revoke a COC if the COC holder misrepresented facts regarding their status as a volunteer or the qualification for the project for tangible property credits, and that COCs may not be transferred to a responsible party.

Modifications to miscellaneous section 375-1.11 clarify notification and plan requirements when there is a change of use. Modifications to permits section 375-1.12 clarify DEC's authority regarding permit waivers to include disturbance to habitat subject to certain regulations.

Subpart 375-2 (Inactive Hazardous Waste Disposal Site Remediation Program)

Revisions in this subpart clarify that:

1. DEC has the authority to enter into a "cash out" consent order in circumstances where it is implementing a remedy.
2. a site is designated on the Registry on the date that the director of the Division of Environmental Remediation or their designee enters their approval of the reclassification in the electronic database.
3. The presence of engineering controls to address potential vapor intrusion would not necessarily prevent a site from being delisted.

Subpart 375-3 (Brownfield Cleanup Program)

Most of the proposed amendments are made within this subpart and are mandated by the 2015 legislation.

The following terms are defined and are consistent the intent of the legislation.

1. "Cover system requirements" or "site cover" means clean soil cover of one or two feet in thickness based on intended use with a clear demarcation layer as a visual cue defining clean soil from remaining contamination where possible and appropriate.

2. "Potentially Responsible Party (PRP) search" is a search to identify PRPs who may be legally liable for contamination at a particular site. A PRP search is defined so that volunteers seeking entry of a Class "2" site in the BCP have a clear understanding of the search required as part of application.

3. The proposed regulations will not include a definition of "site preparation costs" because the 2015 Amendments changed the Tax Law and specifically defined "site preparation costs" at section 21 of the Tax Law. Thus, this definition will not be included in Part 375 since it is codified in statute.

These regulations clarify eligibility requirements in section 375-3.3 for the BCP. Class 2 Superfund sites are now eligible for the program if there is no viable responsible party. The regulations also clarify the information required to demonstrate "contamination" for eligibility purposes and incorporate the provisions introduced in the 2015 legislation that a property is not eligible for the BCP unless the site "requires remediation." Criteria used to determine the site's anticipated use are also provided.

6 NYCRR 375-3.3(d) is added to formalize the requirements related to tangible property tax credits (TPCs) from the statute related to the source of contamination. For example, TPCs are not available if groundwater contamination or soil vapor issues are entering the site from an off-site source or if the property was previously remediated (under another program) for the property's "then intended use."

Additional requirements for TPCs are in 6 NYCRR 375-3.3(e) for a site in a city with a population of one million or more to demonstrate substantial government assistance when applying for TPCs under the 'underutilized' gateway. Clarification of requests for DEC's eligibility determination for TPCs is addressed in 6 NYCRR 375-3.3(f).

6 NYCRR 375-3.8(e) is modified to clarify the details related to the institutional and engineering controls and soil cover for parties seeking any of the four Tracks (1, 2, 3, or 4).

The proposed regulations also clarify that a volunteer may be required to conduct an off-site investigation to complete the exposure assessment including groundwater and soil vapor intrusion sampling.

Subpart 375-4 (Environmental Restoration Program)

Minor changes are proposed for Subpart 375-4. The revisions clarify that DEC prioritizes ERP applications based on need. Clarifications to the ERP explain that DEC can undertake the remediation using ERP funds, complete the remediation and incur the costs on behalf of the municipality, and be paid by the municipality through the ERP.

Subpart 375-6 (Soil Cleanup Objectives)

The proposed regulations update and revise various SCOs. Over half of the SCOs are revised, most by a factor of two or three, but some changed more substantially. A full explanation of the changes is provided in an addendum to the Technical Support Document that was issued in September 2006.

An illustrative example of the changes is Hexavalent Chromium where the Protection of Ecological Resources SCO will increase from 1 to 20 part per million (ppm) and residential and restricted residential protection of public health SCOs will decrease from 22 to 1 ppm and from 110 to 1 ppm, respectively.

Four new chemicals are added to Tables 375-6.8(a) and 375-6.8(b). DOH recently adopted a maximum contaminant level for two contaminants of emerging concern, perfluorooctanoic acid and perfluorooctanoic sulfonate. SCOs for these chemicals are adopted to provide criteria for direct exposure to soil contaminated by these chemicals, and for protection of groundwater. The protection of groundwater SCOs were calculated using the same approach used for all other organic chemicals in the regulations. DEC will reevaluate these numbers as research on the interaction with these chemicals and soil progresses. SCOs are also added for aniline and nitrobenzene. These chemicals are contaminants of concern at one or more remediation sites since the original SCOs were published. One pesticide, 2,4,5-TP Acid (Silvex) is being removed. A review of over

11,000 samples found no detections of this pesticide above the unrestricted use criteria. DEC did not find any evidence that this chemical is found at elevated levels. This is the only herbicide included in the SCOs. If herbicides are identified as a potential contaminant of concern at a site, then sampling for herbicides (including, but not limited to 2,4,5-TP acid) could still be required.

Existing footnotes are amended as needed, and additional footnotes added accordingly.

In summary, the proposed amendments to 6 NYCRR Part 375 will:

1. clarify general remedial program requirements [Subpart 375-1];
2. address requirements pertaining to SSF at ECL Article 27, Title 13 [Subpart 375-2];
3. conform the 2015 ECL amendments to DEC's regulations with respect to the BCP at ECL Article 27, Title 14 [Subpart 375-3];
4. address requirements pertaining to ERP at ECL Article 56, Title 5 [Subpart 375-4]; and
5. update SCOs [Subpart 375-6].

Text of proposed rule and any required statements and analyses may be obtained from: Bill Ottaway, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7020, (518) 402-9553, email: derweb@dec.ny.gov

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

Public comment will be received until: April 21, 2022.

Additional matter required by statute: Pursuant to the State Environmental Quality Review Act (ECL Article 8), the Short Environmental Assessment Form (including determination of significance) and Coastal Assessment Form have been prepared and are on file with the Department.

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/propreulations.html>):

INTRODUCTION

6 NYCRR Part 375 describes the requirements for environmental remediation programs, including those performed under an order, agreement, stipulation or State assistance contract entered into by the New York State Department of Environmental Conservation (DEC). The Division of Environmental Remediation (DER) proposes to revise portions of this regulation to support DEC's mission to protect public health and the environment in New York State (State).

1. STATUTORY AUTHORITY

Part BB of Chapter 56 of the Laws of 2015 ("the 2015 Amendments") amended and added new language to the Environmental Conservation Law (ECL), and the various other laws of the State. This rule making amends 6 NYCRR Part 375 (Part 375), Environmental Remediation Programs, to conform with the 2015 Amendments with respect Brownfield Cleanup Program (BCP) at ECL Article 27, Title 14; addresses and enhances requirements pertaining to the Inactive Hazardous Waste Disposal Site Remedial Program (also known as State Superfund Program, SSF) at ECL Article 27, Title 13 and the Environmental Restoration Program (ERP) at ECL Article 56, Title 5; and updates the soil cleanup objectives (SCOs) based on review and comments received by DEC staff and the New York State Department of Health.

DEC's general authority to adopt any necessary, expedient, or desirable rules to carry out the environmental policy of the State is provided by ECL Article 3, Title 3, Section 3-0301(2)(a) and (m); additionally, DEC's specific authority to adopt rules of procedure for adjudicatory proceedings is provided by State Administrative Procedure Act (SAPA) § 301(3).

2. LEGISLATIVE OBJECTIVES

In furtherance of its commitment to environmental protection and economic revitalization, the State, created an array of programs and resources to help clean up and reuse contaminated sites. Specific to Part 375's rulemaking, the State administers the SSF, created in 1979; the BCP, created in 2003; and the ERP, created in 1996. General provisions that apply to all programs are found in subpart 375-1, while provisions specific to the SSF, BCP and ERP are found in subparts 375-2, 375-3 and 375-4, respectively.

The SSF identifies and characterizes suspected inactive hazardous waste disposal sites and also provides for the investigation and remediation of sites that pose a significant threat to public health or the environment.

The BCP encourages private-sector remediation of contaminated sites and reduces development pressure on "greenfields." The BCP addresses abandoned, idled, or underutilized brownfield sites that are often located in already industrialized or urban areas and restores these properties to productive use in the community. Local economies are improved by encouraging use of existing infrastructure rather than creating new infrastructure to reach "greenfields." The BCP encourages a cooperative approach among the DEC, current property owners, lenders, developers and prospective purchasers to investigate, remediate, and return contaminated sites to productive use. The BCP addresses the environmental and financial barriers and legal liabilities that often hinder the redevelopment

of contaminated properties by providing financial incentives. Incentives include tax credits for remediation, related development and real property taxes.

The ERP was created under the 1996 Clean Water/Clear Air Bond Act. This remedial program provides increased financial assistance and incentives to municipalities for investigation and clean up at municipally-owned sites.

3. NEEDS AND BENEFITS

The proposed amendments to Part 375 are mandated by the 2015 Amendments. DEC is making additional amendments to Part 375 to incorporate clarifications and modifications based on the experience developed during the last 10 years which will increase consistency across remedial programs administered by DER and provide the tools necessary to more effectively implement the programs. These changes are detailed in the Summary of Express Terms and summarized in the Regulatory Impact Statement.

1. Subpart 375-1.2(b) revises the definition of a brownfield site, based on the 2015 Amendments.

2. Subpart 375-1.6(a) adds a requirement for daily reports to be submitted for all field activities.

3. Subpart 375-1.11(d)(2) requires sites to submit a work plan for any proposed change of use activity. DEC will maintain the ability to waive the requirement if the change does not include a physical alteration of the site.

4. Subpart 375-1.12(f) clarifies that habitats disturbed during remedial activities will require reconstruction.

5. Subpart 375-3.2 adds a definition for "site cover" to describe the costs that are eligible for tax credits for BCP sites.

6. Subpart 375-3.3(b)(2) allows Class 2 SSF sites, which represent a significant threat to public health or the environment, to enter the BCP program with specific requirements.

7. Subpart 375-3.8(b) clarifies that a volunteer is required to perform a qualitative exposure assessment to analyze contamination emanating from the site.

8. Subpart 375-3.8(e) changes which cleanup track a site is eligible for when Institutional Controls/Engineering Controls are used.

9. Subpart 375-6 Tables 375-6.8(a) and (b) include revisions to SCOs as a result of DEC's required periodic review. Four new chemicals are added: aniline, nitrobenzene, perfluorooctanoic acid (PFOA) and perfluorooctanoic sulfonate (PFOS). The changes are summarized and explained in the July 2020 Addendum to the Technical Support Document (issued in September 2006), which is included in this rulemaking package.

Additional minor, non-substantive, grammatical, and formatting changes will also be made to each subpart of Part 375 as needed.

4. COSTS

The updates to Part 375 will result in only nominal additional costs to the regulated community or other branches of local or State government. The BCP and ERP programs are not compulsory, so participation in ECL Article 27, Title 14 and ECL Article 56, Title 5 is voluntary.

a. Costs to Regulated Parties

Promulgation of these regulations are anticipated to have minimal increased costs, examples of which are provided below. Costs provided were developed by DEC based on our own contracting experience and reviewed by engineering firms working in these programs. A more detailed explanation of the estimated costs is provided in the full RIS.

i. Daily Reports (Subpart 375-1.6(a)) – Additional costs range from none up to an estimated \$150 per day.

ii. Change of Use Work Plans (Subpart 375-1.11(d)(2)) – Costs are estimated to range from \$25,000 to \$40,000, which will vary based on site specifics.

iii. Habitat reconstruction (Subpart 375-1.12(f)) – This will not increase costs, as this is an existing requirement outside of Part 375.

vi. PRP Search – This cost is estimated at a minimum of \$25,000 and could be significantly more for sites where ownership is complicated.

v. Off-Site Investigation (Subpart 375-3.8(b)(2)) – The cost to the remedial party is estimated to be \$25,000 on average but could range up to \$50,000-\$75,000 for sites with technical or logistical challenges.

vi. Establish SCOs for PFOA and PFOS (Subpart 375-6) – PFOA and PFOS were added to the list of hazardous substances in 6 NYCRR Part 597 on April 26, 2016. Additionally, DOH recently adopted a maximum contaminant level for PFOA and PFOS. A true accounting of the remediation costs associated with these new SCOs will not be possible until the extent of PFOA and PFOS contamination is known at a site.

vii. Change of SCOs (Subpart 375-6) – For the SCOs whose values decreased, there may be some increase in costs associated with site remediation. For the SCOs whose values increased, there should be a decrease in costs associated with site remediation.

Overall, the Part 375 amendments are anticipated to result in minimal cost changes to regulated entities. There are mechanisms to offset costs for sites in the BCP and ERP. The cost of SSF work is borne in the first

instance by the parties responsible for the contamination or by the State if there is no viable responsible party.

b. Costs to DEC, State and Local Governments

There will be continued costs incurred by DEC that exist under current statutes and regulations in administering the Part 375 remedial programs. There will be some costs to DEC to review and approval such newly required documents as PRP searches and daily reports. DEC's regulation and administration of the remedial programs in Part 375 currently necessitates extensive review of documents and data; therefore, the additional documents resulting from the amendments are proportionally inconsequential.

The proposed rulemaking requires no additional statutory authority, does not create new regulatory programs, does not expand existing regulatory programs and does not expand the regulated community. These regulations generally will not impose any additional direct costs on local governments.

5. LOCAL GOVERNMENT MANDATES

This rule making is not a mandate on local governments. Local governments have no additional compliance obligations compared to other subject entities.

To the extent that New York City certifications are required for projects to meet the definitions of underutilized or affordable housing, these certification programs are in place or are developed and implemented at the discretion of the local government.

6. PAPERWORK

Additional paperwork associated with the proposed amendments to Part 375 will be related to the requirements for the submittal of daily reports during all field activities and change of use work plans at sites where remediation has been completed. No other reporting requirements are being added.

7. DUPLICATION

The proposed rulemaking is not intended to duplicate, overlap, or conflict with any other State or federal requirements.

8. ALTERNATIVES

Many of the proposed changes to Part 375 are the result of the 2015 Amendments and required by statute to be incorporated. For these changes, the only alternative considered was "no action," which would not have satisfied the statutory requirement and therefore is not feasible. Proposed changes to Part 375 unrelated to the 2015 Amendments were subject to extensive internal review for several years as well as public outreach efforts. During this process, alternatives specific to each individual change were evaluated. The result of this process is the proposed regulations that DEC considers protective of the environmental resources in a manner that limits the cost to the regulated community.

9. FEDERAL STANDARDS

The proposed regulations will not exceed any minimum federal standards where applicable or where there is no comparable federal standard.

10. COMPLIANCE SCHEDULE

Many of the changes in Part 375 reflect the 2015 Amendments and have been in effect since that law was enacted (e.g. changes to BCP eligibility and tax credits). Other changes document or clarify DEC interpretations, procedures or processes which are also already in practice. Changes made to these regulations that are not already in practice will be implemented when the regulations become effective.

11. INITIAL REVIEW OF RULE

DEC will conduct an initial review of the rule within 3 years as required by SAPA § 207.

Regulatory Flexibility Analysis

1. EFFECT OF RULE

Amendments to 6 NYCRR Part 375 (Part 375), Environmental Remediation Programs, are proposed to conform with the New York State Department of Environmental Conservation's (DEC's) regulations to Part BB of Chapter 56 of the Laws of 2015 ("the 2015 Amendment") which amended and added new language to the Environmental Conservation Law (ECL). This rulemaking will address remediation requirements pertaining to the Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program, SSF) at ECL Article 27, Title 13; the Brownfield Cleanup Program (BCP) at ECL Article 27, Title 14; and the Environmental Restoration Program (ERP) at ECL Article 56, Title 5. Subpart 375-6 soil cleanup objectives (SCOs) will be amended where appropriate. Part 375 amendments to Part 375 will incorporate clarifications and modifications based on experience developed during implementation of the BCP, SSF, and ERP. The amendments will increase consistency across remedial programs administered by DEC's Division of Environmental Remediation and provide DEC with tools necessary to effectively implement the programs. The proposed amendments will apply statewide in all 62 counties of New York State (State) and are not anticipated to negatively affect small business and local governments.

Participation in the BCP and ERP is voluntary, therefore, obligations under these programs are required by statute because of a party's choice to

apply for and participate in these programs. Therefore, the proposed rule will affect only small businesses and local governments that choose to participate in BCP or ERP. Parties responsible for contamination under the SSF program will continue to be responsible for the cost of investigation and remediation.

2. COMPLIANCE REQUIREMENTS

The proposed rule imposes the following additional requirements for small business and local governments participating in the SSF, BCP, or ERP:

1. Additional requirement to demonstrate eligibility for tax credits for applicants in New York City;
2. Requirement for sites to submit a work plan for any proposed change of use activity. DEC will maintain the ability to waive if the site will not be physically altered (375-1.11(d)(2));
3. Reconstruction plan requirement for sites with habitat disturbance (375-1.12(f));
4. Added definition of "site cover" to allow for implementation of tax credits as intended (375-3.2);
5. Potentially responsible party (PRP) search requirement for BCP Class 2 sites (375-3.4(b)(1));
6. Off-site field investigation and sampling requirement for BCP volunteers when deemed necessary to complete the human health exposure assessment (375-3.8); and
7. Updates to most SCO values based on revised reference doses, partitioning coefficients, and exposure calculations and the addition of 4 new chemicals: aniline, nitrobenzene, perfluorooctanoic acid (PFOA), and perfluorooctanoic sulfonate (PFOS). The changes are summarized and explained in the July 2020 Addendum to the Technical Support Document, originally published September 2006.

3. PROFESSIONAL SERVICES

For a responsible party (potentially a local government or small business) under SSF or a participant in BCP, proposed amendments to Part 375 may increase the existing need for professional services to comply with new requirements. Examples include daily report submittal, change of use work plan submittal, reconstruction plan for disturbed habitats development, and off-site field investigation and sampling.

4. COMPLIANCE COSTS

Updates to Part 375 will implement the statutorily created remedial programs without substantive changes and will result in nominal additional costs to small businesses or local governments. Further, BCP and ERP are not compulsory programs, i.e., participation in ECL Article 27, Title 14 and ECL Article 56, Title 5 is voluntary. Participation in ERP reduces the fiscal burden to municipalities associated with investigation and remediation of contaminated properties. State assistance grants covering up to 90 percent of eligible on-site and 100 percent of eligible off-site costs are available to local governments. Federal, State, or non-responsible party private monies may cover the remaining portion. A new benefit to municipalities is the option to have DEC manage ERP projects. This significantly reduces the financial responsibility of the municipality for remedial management and oversight of the project and for DEC's administrative costs.

Examples of fiscal effects on small businesses and local governments are summarized below. Costs were developed by DEC based on internal contracting experience and were reviewed by outside engineering firms.

1. Daily Reports – The Part 375 amendment requiring daily reports is not intended to increase oversight or costs. It will provide consistency in reporting methods and oversight necessary to successfully complete the program. Some BCP sites currently submit daily reports during remedial activities per the site's Remedial Action Work Plan. Furthermore, the information and documentation provided in the daily reports is required information for the FER. In most cases there will be no change in process and no change in cost. In instances where daily reports were not being submitted or were insufficient, cost increase is estimated at \$150 per day. Total potential costs for each project will depend on a site's remedy, size, and duration of remedial activities.

2. Change of Use Work Plans – Subpart 375-1.11(d)(2) will require sites to submit a work plan for any proposed change of use activity, creating an approximate increase of \$25,000 to \$40,5000 to the regulated party for document preparation. Costs will vary based on the proposed activity, size, and extent of potential exposure. This requirement can be waived if the change of use does physically alter the site.

3. Habitat Reconstruction – Requirement to reconstructed disturbed habitats during remedial activities will not increase costs for SSF, BCP, or ERP sites. This is an existing requirement in State laws and regulations outside of Part 375. Habitat reconstruction costs are incurred under existing projects.

4. PRP Search – Requiring Class 2 site BCP applicants to submit a PRP search with their application will increase costs. A PRP search is estimated to cost at least \$25,000 and could be more for sites with complicated ownership and corporate succession. The PRP search is currently com-

pleted by DEC; this rule change will shift the burden of completing the PRP search from DEC to the applicant. The applicant should already have information on prior owners or operators of sites, as applicants have typically performed title searches and Phase I Environmental Assessments as part of the purchase of potential BCP properties. PRP search is completed prior to the execution of the Brownfield Cleanup Agreement and thus costs cannot be directly offset by tax credits.

5. Off-Site Investigation – The subsection 375-3.8(b)(2) clarification requiring BCP Volunteers to potentially complete an off-site qualitative exposure assessment will result in increased costs for some sites; however, this work is required by ECL § 27-1415(2)(b) and does not expand existing requirements. For sites with on-site data that provides a complete exposure assessment, no additional costs are incurred. For sites where additional, off-site contaminant data is needed to determine whether there is a significant threat to public health or the environment, investigation costs will be incurred. The remedial party cost to complete this assessment is estimated to be \$25,000 with a range of \$50,000-\$75,000 for sites with technical or logistical challenges. The investigation is considered a site preparation cost and a portion may be recoverable in the form of tax credits. Clarifying and enforcing the volunteer's responsibility to collect off-site data when necessary to complete the exposure assessment as required by ECL § 27-1415(2)(b) will ensure efficient use of resources in determining the need to list and investigate if a significant threat is posed by the off-site portion of some BCP sites. The amount of off-site investigation costs will vary based on on-site data, type and extent of contamination at the site, surrounding land use, and site conditions such as geology and groundwater flow.

6. Establish SCOs for PFOA and PFOS – PFOA and PFOS were added to the list of hazardous substances in 6 NYCRR Part 597 on April 26, 2016. The Regulatory Impact Statement for that rulemaking recognized that “where PFOA or PFOS has been released into the environment, regulated entities may be subject to costs associated with remediation of these hazardous substances under Part 375.” PFOA and PFOS were added to the standard analyte list in March 2019. Establishment of an SCO for PFOA and PFOS will provide the regulated community with certainty and help remedial parties understand the financial implications of remediation of these substances. However, a true accounting of costs will not be possible until the extent of PFOA and PFOS contamination is determined.

7. Change of SCOs – For SCOs whose values were decreased, there may be an increase in site remediation costs. The additional cost will be site-specific and will vary based on the level of contamination present, the site's end use, and the cleanup track being pursued. Lower SCOs along with site-specific variables, may result in the need for additional material excavation and disposal, which both have associated costs. Properties that previously had minimal or no SCO exceedances may now have exceedances based on the lower SCOs; this may result in additional sites being eligible for the BCP. For the SCOs whose values were increased, there should be a decrease in costs associated with site remediation.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY

1. It is economically and technologically feasible for a small business or local government to comply with the proposed rule. Increased costs resulting from the Part 375 amendments are anticipated to be nominal, particularly in relation to costs currently incurred by regulated parties under existing Part 375. The amendments will not create a need for additional technology beyond what is already used to comply with existing Part 375. Furthermore, many of the changes in the amendments to Part 375 are already met by regulated parties, demonstrating the amendments are economically and technologically feasible.

6. MINIMIZING ADVERSE IMPACT

The rulemaking is not anticipated to have adverse impacts on local governments or small businesses in the State. The proposed rule changes may create some minor increased costs to regulated parties, including small businesses and local governments as discussed above. For BCP sites, costs associated with daily reports, qualitative exposure assessments, and additional remediation resulting from changes to SCOs can be offset by tax credits. Costs to local municipalities participating in the ERP are offset by State funds. Participation in the BCP and ERP is voluntary, therefore, obligations under the BCP or ERP are either required by statute or imposed because of a party's choice to apply for and participate in those programs. Despite slight cost increases, DEC has determined that there is an overall positive impact since areas across the State will be cleaned up because of the SSF, BCP, and ERP.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

DEC continues to provide statewide outreach to regulated communities and interested parties, including small businesses and local governments. Relevant information pertaining to the SSF, BCP, and ERP continues to be posted on DEC's website. DEC maintains a listserv to which persons may subscribe to receive information and progress updates pertaining to SSF, BCP, and ERP sites.

Several statewide forums were held in 2017, 2018, and 2019 to present a summary of potential Part 375 amendments. The forums provided an opportunity for the audience to ask questions and engage in discussion.

DEC will ensure public notice and input on proposed amendments to Part 375 by issuing public notices in the State Register and DEC's Environmental Notice Bulletin; holding a comment period of at least 90 days; conducting public hearings; and potentially scheduling webinars and public meetings during the comment period. Interested parties, including small businesses and local governments, can submit written comments and participate in the public hearings, and webinars or public meetings. Relevant rule-making documents will be posted on the DEC public website.

8. CURE PERIOD OR OTHER OPPORTUNITY FOR AMELIORATIVE ACTION

No cure period or other opportunity for ameliorative action is needed because the rule making will not impose additional penalties on the regulated community, including small businesses and local governments.

9. INITIAL REVIEW OF THE RULE

DEC will conduct an initial review of the rule within 3 years as required by SAPA § 207.

Rural Area Flexibility Analysis

6 NYCRR Part 375 describes the requirements for environmental remediation programs, including the State Superfund Program (SSF); Brownfield Cleanup Program (BCP); and Environmental Restoration Program (ERP). These programs are performed under an order, agreement, stipulation or State assistance contract entered into by the New York State Department of Environmental Conservation (DEC) and all work plans, reports, certificates, and other remedial program documents approved, accepted, or issued by DEC. DEC's Division of Environmental Remediation proposes to revise portions of this regulation to support DEC's mission to protect public health and the environment in New York State (State). DEC does not anticipate the rulemaking to have a negative economic impact on rural areas.

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

For purposes of this Rural Area Flexibility Analysis (RAFA), “rural area” means those portions of the state so defined by Executive Law section 481(7), SAPA section 102(10). Under Executive Law section 481(7), rural areas are defined as “counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are found therein. In counties of two hundred thousand or greater population, “rural areas” means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein.” There are 44 counties in the State that have populations of less than 200,000 people and 71 towns in non-rural counties where the population densities are less than 150 people per square mile. The proposed changes to 6 NYCRR Part 375 will apply statewide; therefore, they apply to all rural areas of the State.

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

The rulemaking will not directly impose any significant service, duty, or responsibility upon any county, city, town, village, school district, or fire district in a rural area. This rulemaking does not directly mandate the expenditure of funds by any sector of local government. Minor increases to reporting, recordkeeping, compliance requirements, and professional services, which have been determined by DEC to be necessary for DEC to obtain the information needed to implement the remedial programs, are included in the amendments. These changes include:

1. Daily report submittal requirement to adequately document remedial activities (375-1.6(a));

2. Requirement for sites to submit a work plan for any proposed change of use activity, which DEC will maintain the ability to waive if a physical alteration of the site is not involved (375-1.11(d)(2));

3. Reconstruction plan requirement for sites where there is a disturbance to habitat (375-1.12(f));

4. Potentially responsible party (PRP) Search requirement for BCP Class 2 sites (375-3.4(b)(1));

5. Off-site field investigation and sampling requirement for BCP volunteers when deemed necessary to complete the human health exposure assessment (375-3.8);

These changes will be imposed statewide, including in rural areas and will affect local governments and private entities. Each remedial program requires that various reports, work plans, and citizen participation activities be conducted and documented. These requirements are derived from current statutory, regulatory, and programmatic provisions.

3. COSTS

The amendments to Part 375 will not impose any direct costs on rural areas and will be applied statewide. However, rural area governments may be a responsible party under the SSF or a participant in the BCP. There

will be minor cost increases for responsible parties in the SSF and participants in the BCP, primarily due to increased reporting requirements. The great majority of the mandates to clean up contamination and the associated costs are a result of existing statutory provisions and not this rule making. Additionally, costs associated the BCP and ERP remedial programs can be offset through tax credits (BCP) or receive substantial reimbursement through grants (ERP). The ERP has a financial benefit to local governments, including those in rural areas, by reducing the fiscal burden associated with the investigation and remediation of contaminated properties.

Some examples of fiscal effects are provided below. Costs provided were developed by DEC based on our own contracting experience, and reviewed by engineering firms working in these programs:

1. **Daily Reports** – The amendment to Part 375 regarding daily reports is not intended to increase oversight or costs but is intended to provide consistency in reporting methods and the oversight necessary to successfully complete the program. Some BCP sites currently submit daily reports during remedial activities as described in the site's Remedial Action Work Plan. Furthermore, the information and documentation provided in the daily reports is also required information for the Final Engineering Report (FER). In most cases, there will be no change in process, and, therefore, no change in cost. In other instances where daily reports were not being submitted or were insufficient, there may be some marginal increase in cost, estimated at \$150 per day, for regulated parties to prepare and submit the documents. Total potential costs for each project will depend on variables such as a site's remedy, size, and duration of remedial activities.

2. **Change of Use Work Plans** – Subpart 375-1.11(d)(2) will require sites to submit a work plan for any proposed change of use activity. This will create an increase in costs to the regulated party for the document preparation of roughly \$25,000 to \$40,000. Costs will vary based on the proposed activity, size, extent of potential exposure, and other variables, and can be waived if the change of use does not involve a physical alteration to the site.

3. **Habitat Reconstruction** – The requirement of reconstructing habitats disturbed during remedial activities will not increase costs for SSF, BCP, or ERP sites, as this is an existing requirement in State laws and regulations outside of Part 375 and costs of such habitat reconstruction are already incurred under existing projects.

4. **PRP Search** – Requiring Class 2 sites applying to the BCP to submit a PRP search with their application will increase costs to applicants. A PRP search is estimated to cost a minimum of \$25,000 and could be significantly more for sites where ownership and corporate succession is complicated. The PRP search is required prior to acceptance into the BCP and is currently being completed by DEC; this rule change will result in shifting the burden of completing the PRP search from DEC to the applicant. The applicant should already have information on prior owners or operators of sites, as applicants typically have already performed title searches and Phase I Environmental Assessments as part of the purchase of potential BCP properties. The cost of the PRP search cannot be directly offset by tax credits, as it will be completed prior to the execution of the Brownfield Cleanup Agreement.

5. **Off-Site Investigation** – The clarification in subsection 375-3.8(b)(2) that may require BCP Volunteers to complete a qualitative exposure assessment of contamination that may have migrated off-site will result in costs for some sites in the program; however this work is required by ECL § 27-1415(2)(b) and does not expand the existing requirements. For sites with on-site data that allows for a complete exposure assessment, no additional costs will be incurred. For sites where additional, off-site data is needed to determine whether off-site contamination represents a significant threat to public health or the environment, costs will be incurred for these investigation activities. The cost to the remedial party for work to complete this assessment is estimated to be \$25,000 on average but could range up to \$50,000-\$75,000 for sites with technical or logistical challenges. A portion of the cost of this investigation is recoverable by the remedial party in the form of tax credits (the investigation will be considered a site preparation cost). Clarifying and enforcing the responsibility for a volunteer to collect off-site data (when necessary) to complete the exposure assessment as required by ECL § 27-1415(2)(b) will ensure efficient use of resources in determining the need to list and investigate if a significant threat is posed by the off-site portion of some BCP sites. The amount of the off-site investigation costs will vary based on the on-site data, type and extent of contamination at the site, surrounding land use, and site conditions such as geology and groundwater flow.

4. MINIMIZING ADVERSE IMPACT

The proposed amendments will not cause adverse impacts to rural areas of the State. Minor additional reporting requirements will affect all parties involved in remedial programs statewide, including rural areas, but only to the extent necessary for DEC to effectively implement the remedial programs. The proposed amendments will not create new regulatory programs, expand existing regulatory programs, or increase the regulatory

requirements applicable to rural areas beyond existing State statutes. DEC has determined there will be a continued positive impact across the State, including rural areas, because contaminated sites will continue to be remediated under the remedial programs (SSF, BCP, ERP).

5. RURAL AREA PARTICIPATION

DEC continues to provide statewide outreach to regulated communities and interested parties, including those in rural areas of the State. Relevant information pertaining to the SSF, BCP, and ERP continues to be posted on DEC's website. DEC maintains a listserv to which persons may subscribe to receive information and progress updates pertaining to SSF, BCP, and ERP sites.

Several forums were held statewide in 2017, 2018 and 2019 at various venues, including those that were accessible to rural communities, to present a summary of potential Part 375 amendments that were being considered by DEC. The forums also provided an opportunity for the audience to ask questions and engage in discussion.

DEC will ensure public notice and input on proposed amendments to Part 375 by issuing public notices in the State Register and DEC's Environmental Notice Bulletin; holding a comment period of at least 90 days; conducting public hearings; and most likely scheduling webinars and public meetings during the comment period. Interested parties, including those in rural areas, will have the opportunity to submit written comments and participate in the public hearings, as well as any webinars and public meetings that are held. DEC will also post relevant rule making documents on their website for public access.

6. INITIAL REVIEW OF THE RULE

DEC will conduct an initial review of the rule within 3 years as required by SAPA § 207.

Job Impact Statement

1. NATURE OF IMPACT

The New York State Department of Environmental Conservation (DEC) is proposing amendments to 6 NYCRR Part 375 (Part 375) and the regulations apply statewide. This includes proposed amendments to the following remedial programs: Inactive Hazardous Waste Disposal Site Remedial Program (also known as State Superfund Program, SSF), the Brownfield Cleanup Program (BCP), and the Environmental Restoration Program (ERP). DEC does not anticipate these amendments to create an adverse impact on jobs and employment opportunities in New York State (State). The existing Part 375 has been in place for over 20 years, with the exception of the BCP which was initially adopted in 2006. The rule also incorporates needed clarifications and modifications to Part 375 based on the experience developed during the first decade of implementing the BCP. The amendments will increase consistency across remedial programs administered by the Division of Environmental Remediation and provide DEC with the tools necessary to more effectively implement the remedial programs.

2. CATEGORIES AND NUMBERS AFFECTED

The proposed amendments to Part 375 are not anticipated to negatively affect employment opportunities. Since its inception in 2003, the BCP has incentivized development of hundreds of contaminated properties resulting in the generation of thousands of jobs statewide. Part BB of Chapter 56 of the Laws of 2015 ("the 2015 Amendment") amended the Environmental Conservation Law (ECL) to limit BCP tax incentives on sites located within cities having a population of one million or more with the objective to focus the incentives on the most contaminated and most difficult sites to redevelop. Since the 2015 Amendment, participation in the program, which is voluntary, did not decline in the ensuing years, and the BCP continues to be a robust revitalization program. These amendments will not restrict the estimated several hundred construction and commercial jobs that will be created statewide.

The Part 375 amendments are minor regarding the ERP and SSF and will not fundamentally change how these programs are administered. Therefore, jobs are not anticipated to be impacted.

3. REGIONS OF ADVERSE IMPACT

Part 375 is currently and will continue to be administered statewide. Regardless of the regional location, the amendments are not anticipated to negatively impact jobs or employment opportunities.

4. MINIMIZING ADVERSE IMPACT

The rule is not anticipated to have an adverse impact on jobs and employment. DEC already regulates State Superfund sites, brownfield sites and environmental restoration projects covered by Part 375.

5. SELF-EMPLOYMENT OPPORTUNITIES

The rule is not anticipated to negatively impact self-employment opportunities.

6. INITIAL REVIEW OF RULE

DEC will conduct an initial review of the rule within three years of its adoption as required by SAPA § 207.

Department of Financial Services

ERRATUM

A Notice of Proposed Rule Making, ID no. DFS-50-21-00016-P, published in the December 15, 2021 issue of the *State Register* and pertaining to Debt Collection by Third-Party Debt Collectors and Debt Buyers was inadvertently published with a summary indicating the addition of a new section 1.9. This section was not intended to be included in the proposed rule making and does not appear in the full text of the rule which the Department of Financial Services has posted at https://www.dfs.ny.gov/industry_guidance/regulations/proposed_fsl. The full text of the summary is being republished as follows:

Substance of proposed rule (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations/proposed_fsl): Section 1.1 provides definitions of terms, including new definitions for the terms, “communication,” “creditor,” and “electronic communication,” and modifications to the definitions for the terms, “charge-off,” “debt,” and “debt collector.”

Section 1.2 describes the content of and manner in which debt collectors must make required disclosures to consumers when debt collectors initiate collection. This section describes the validation notice a debt collector must provide to consumers within five days after its initial communication with the consumer unless the initial communication was in writing and contained the required information. In addition to information required by 12 C.F.R. 1006.34(c) the validation notice must include the type of reference date relied upon by the debt collector; the account number or truncated account number associated with the debt; the merchant brand, affinity brand, or facility name, associated with the debt; the date of last payment or partial payment, if any; and the applicable statute of limitations for the debt. This section also requires that the debt collector inform the consumer that the consumer has the right to dispute the validity of the alleged debt and describe how to do so.

Section 1.3 sets forth the form and content of disclosures that must be made by a debt collector to a consumer when the debt collector has determined or has reason to know that the statute of limitations has expired for a debt that the debt collector is pursuing. This section also introduces new limits on debt collectors’ telephone and other oral communications with consumers relating to time-barred debt.

Section 1.4 relates to substantiation and consumer disputes of alleged debts. The proposed rule newly requires that any dispute made either orally or in writing shall be treated as a request for substantiation unless the debt collector has already provided substantiation. It also requires that the substantiation be made in hard copy unless the consumer has requested it be made in another form pursuant to applicable law or regulation. This section also requires that the debt collector provide substantiation materials beyond a statement describing complete chain of title when the consumer requests such material. Finally, this section modifies the document retention period for records of a debt for which a consumer has requested substantiation: seven years or until the debt is discharged, sold, or transferred, whichever is longer.

Section 1.5 establishes debt payment procedures. Section 1.5(c) is modified to provide that when a debt collector receives payment satisfying a consumer’s debt, the debt collector must include in the written confirmation of the satisfaction of the debt the name of the creditor to which the debt was originally owed unless otherwise stipulated in an agreement filed in court.

Section 1.6 governs communication to consumers by debt collectors. Updates and clarifications establish that a consumer must consent in writing directly to the debt collector for a debt collector to correspond with the consumer in connection with the collection of any debts by more than one telephone call and three attempted telephone calls per seven-day period per account, unless additional communication is required under Part 1 or other federal or state law, or the communication is made in response to the consumer’s request to be contacted. The amended Section 1.6 also includes new provisions establishing that debt collectors may correspond with a consumer through electronic modes of communication only with the consent of the consumer and via the particular mode of communication elected by the consumer, and using contact information provided specified by the consumer. The provisions also mandate that communication must be private, direct to the consumer, and made through a mode and in a form reasonably expected to ensure compliance with 15 U.S.C. § 1692c. Finally, consent to receive electronic communication must be revocable.

Section 1.7 describes the regulation’s relationship to other laws, including that it does not preempt any procedure required by law or court administrative rule with respect to debt collection. It also provides that the regulation does not preempt any local law if the local law affords greater protection to consumers than the regulation.

New Section 1.8 is a severability clause.

NOTICE OF ADOPTION

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

I.D. No. DFS-38-21-00004-A

Filing No. 1221

Filing Date: 2021-12-06

Effective Date: 2021-12-22

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

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

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

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

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

Text or summary was published in the September 22, 2021 issue of the Register, I.D. No. DFS-38-21-00004-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The New York State Department of Financial Services (“Department”) received comments from numerous health care providers across the State. All of the comments supported the proposed regulation; no changes were requested and no concerns were raised.

Health care providers commented that telehealth plays a significant role in providing quality care to persons who need mental health services and when clinically appropriate, an audio-only visit, such as by telephone, provides essential access to care to the people of New York.

The Department received additional comments indicating that audio-only visits will expand the reach of mental health services and access to care, particularly for specific populations, such as the elderly who are not able to use video-enabled technology. The comments stated that it is essential for insureds to continue to have access to health care services through audio-only telehealth visits.

Department of Health

EMERGENCY RULE MAKING

Hospital Non-Comparable Ambulance Acute Rate Add-On

I.D. No. HLT-31-20-00012-E

Filing No. 1224

Filing Date: 2021-12-07

Effective Date: 2021-12-07

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

Action taken: Amendment of section 86-1.15 of Title 10 NYCRR.

Statutory authority: L. 2020, ch. 56

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

Specific reasons underlying the finding of necessity: The proposed amendment restricts article 28 hospitals eligible to receive a non-comparable ambulance add-on in their acute inpatient rate to providers that are not receiving a supplemental payment for these costs in accordance with chapter 56 of the Laws of 2020 effective on October 1, 2020.

Section three of part LL of chapter 56 of the Laws of 2020 provides the Commissioner of Health with authority to issue emergency regulations. This regulation amendment is required in order to eliminate any potential duplicate payment for these ambulance services.

Subject: Hospital Non-Comparable Ambulance Acute Rate Add-On.

Purpose: Prevents duplicate claiming by article 28 hospitals for the ambulance add-on regarding participation in the program.

Text of emergency rule: Pursuant to the authority vested in the Commissioner of Health by section three of Part LL of Chapter 56 of the Laws of 2020, paragraph (1) of subdivision (1) of Section 86-1.15 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to be effective upon filing with the Secretary of State, to read as follows:

(1) Medicaid costs associated with ambulance services operated by a facility and reported as inpatient costs in the institutional cost report. *Effective October 1, 2020, these costs shall exclude ground emergency transportation services costs that are being reimbursed pursuant to Chapter 56 of the Laws of 2020;* and

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HLT-31-20-00012-P, Issue of August 5, 2020. The emergency rule will expire February 4, 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 statutory authority for this regulation is contained in Chapter 56 of the Laws of 2020 and authorizes the Commissioner to promulgate regulations, including emergency regulations, regarding a supplemental Medicaid reimbursement payment for ground emergency medical transportation services. This supplemental payment is in lieu of an ambulance non-comparable add-on in the hospital acute inpatient reimbursement rate. Rate regulations are set forth in Subpart 86-1 of Title 10 (Health) of the Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR).

Legislative Objectives:

The legislative objective is to provide the ability to participate in the supplemental payment for ground emergency medical transportation services but eliminate any potential duplicate Medicaid reimbursement.

Needs and Benefits:

Based on the requirements of Chapter 56 of the Laws of 2020, eligible ground emergency transportation providers will be provided the ability to participate in a supplemental payment in lieu of receiving reimbursement through a hospital. Article 28 hospitals currently receive reimbursement through their acute hospital inpatient rate for ambulance services provided by the ground emergency medical transportation providers. For ground emergency transportation providers that meet the requirements of this chapter and receive the supplemental payment, the hospitals through which they were reimbursed will not be eligible to also receive the ambulance add-on in the acute hospital inpatient rate.

Costs:

Costs to Private Regulated Parties:

There will be no additional costs to private regulated parties.

Costs to State Government:

There is no cost to State Government for this proposed regulation.

Costs of Local Government:

There is no cost to Local Government for this proposed regulation.

Costs to the Department of Health:

There will be no additional costs to the Department of Health as a result of this proposed regulation.

Local Government Mandates:

The proposed regulation does not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

No additional paperwork is required of providers.

Duplication:

This regulation does not duplicate any existing federal, state or local government regulation.

Alternatives:

There is no alternative as an alternative would provide a duplicate payment to hospitals.

Federal Standards:

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

Compliance Schedule:

The Department of Health will be implementing the ground emergency transportation services supplemental program effective on or after October 1, 2020 which requires the potential duplicate payment be removed as of the same date.

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed regulations do not impose an adverse impact on facilities in rural areas, and they do not impose reporting, record keeping or other compliance requirements on facilities in rural areas.

Job Impact Statement

A Job Impact Statement is not required pursuant to Section 201-a(2)(a) of the State Administrative Procedure Act. The proposed rule will not have a substantial adverse impact on jobs or employment opportunities, nor does it have adverse implications for job opportunities.

Assessment of Public Comment

The agency received no public comment.

EMERGENCY RULE MAKING

COVID-19 Reporting and Testing

I.D. No. HLT-51-21-00001-E

Filing No. 1216

Filing Date: 2021-12-01

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: Addition of sections 2.9 and 2.62 to Title 10 NYCRR.

Statutory authority: Public Health Law, sections 201, 206 and 225

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

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

The Centers for Disease Control and Prevention (CDC) and the Department have identified a concerning national trend of increasing circulation of the SARS-CoV-2 Delta variant. Cases in New York are over 10-fold their levels in late June 2021, and greater than 99 percent of the sequenced recent positives in New York State were the Delta variant.

In response to this significant public health threat, the Department of Health seeks to empower the Commissioner through this emergency regulation to issue determinations requiring the immediate implementation of heightened COVID-19 testing protocols for population segments that may be at increased risk of transmission due, in part, to their employment or residential circumstances. Regular COVID-19 testing enables the immediate identification of COVID-19-positive individuals, even if they are not symptomatic, so that they can isolate and prevent further transmission. Additionally, the reporting of positive COVID-19 test results to public health authorities facilitates the rapid initiation of contact tracing to ensure close contacts are quarantined, tested, and isolated as needed.

These regulations also permit the Department to require reporting of testing and diagnoses among school students, teaching staff, and any other employees or volunteers. It is important for the Department to monitor COVID-19 testing and diagnoses in schools, given the number of students that are currently unvaccinated. Children ages 5 through 11 years old only recently were authorized by the FDA to receive COVID-19 vaccinations.

For those in the 12-17 age group, the CDC data estimates that 70.2% of this population has been vaccinated in New York State, with 61.6% in this age group completing a COVID-19 vaccine series. By carrying forward the reporting requirements that were in place for the 2020-2021 school year, the Department will be able to track COVID-19 incidence and prevalence in school settings for the upcoming school year. This will allow the Department to work with school districts and local health departments to implement targeted prevention strategies, where needed to limit the spread of the virus.

Based on the foregoing, the Department has determined that these emergency regulations are necessary to control the spread of COVID-19, necessitating immediate action. Accordingly, 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 Reporting and Testing.

Purpose: To require COVID reporting in schools and to permit the commissioner to issue testing determinations in certain settings.

Text of emergency rule: Section 2.9 is added to read as follows:

2.9. COVID-19 Reporting in Schools. *In addition to all other reporting requirements in this Part, every kindergarten, elementary, intermediate, or secondary school as well as any pre-kindergarten programs and school districts, as identified by the Department, shall report to the Department of Health, on a daily basis, in a form and manner to be determined by the Commissioner, all COVID-19 testing, positive test results reported in any manner to the school, and related information among students, teaching staff, and any other employees or volunteers. Such daily report shall include any other data elements as the Commissioner determines to be appropriate to track outbreaks of COVID-19 within such schools and school districts.*

Section 2.62 is added to read as follows:

2.62. COVID-19 Testing Requirements.

(a) As determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread, the Commissioner may require routine COVID-19 testing in certain settings, which may include schools, homeless shelters, correctional facilities, nursing homes, and health care settings, and which may distinguish between individuals who have received full vaccination against COVID-19 and those who have not. Such testing determination may also include alternatives to testing as well as prevention protocols pending test results based on symptoms and/or exposure in certain settings.

(1) Entities subject to routine COVID-19 testing pursuant to a Commissioner's determination may accept documentation demonstrating full vaccination in lieu of imposing such testing requirements, if permitted in a Commissioner's determination. "Full vaccination", for the purposes of this section, shall be determined by the Department in accordance with applicable federal guidelines and recommendations. Unless otherwise specified by the Department, documentation of full vaccination must include the manufacturer, lot number(s), date(s) of vaccination; and vaccinator or vaccine clinic site, in one of the following formats:

(i) record prepared and signed by the licensed health practitioner who administered the vaccine, which may include a CDC COVID-19 vaccine card;

(ii) an official record from one of the following, which may be accepted as documentation of immunization without a health practitioner's signature: a foreign nation, NYS Countermeasure Data Management System (CDMS), the NYS Immunization Information System (NYSIIS), City Immunization Registry (CIR), a Department-recognized immunization registry of another state, or an electronic health record system;

(iii) Excelsior Pass; or

(iv) any other documentation determined acceptable by the Department.

(2) Entities subject to a Commissioner's determination pursuant to this section shall document testing or vaccination in appropriate records in accordance with applicable privacy laws and submit data and information related thereto to the Department in a manner and format set forth in such determination.

(3) The Commissioner shall issue findings regarding the necessity of testing requirements at the time such requirements are announced.

(b) Enforcement and Penalties

(1) All local health officers shall take such steps as may be necessary to assist with the enforcement of the provisions of this section in accordance with the Public Health Law and this Title.

(2) A violation of any provision of this section is subject to all civil and criminal penalties as provided for by law. Entities that violate this section are subject to a maximum fine of \$1,000 for each violation. For purposes of civil penalties, each day that an entity operates in a manner inconsistent with the section shall constitute a separate violation under this section.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire February 28, 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: regsqna@health.ny.gov

Regulatory Impact Statement

Statutory Authority:

The statutory authority for adding a new section 2.9 and 2.60 is sections 201, 206, and 225 of the Public Health Law (PHL). Subdivision (c) of section 201 of the PHL requires the Department to supervise the reporting and control of disease. Subdivision (d) of section 206 of the PHL requires the Commissioner to investigate the causes of diseases and epidemics. Section 225 of the Public Health Law (PHL) authorizes the Public Health and Health Planning Council (PHHPC), subject to the approval of the Commissioner of Health (Commissioner), to establish and amend the State Sanitary Code (SSC) provisions related to any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York.

Legislative Objectives:

The legislative objective of PHL § 201 includes authorizing the New York State Department of Health ("Department") to control and promote the control of communicable diseases to reduce their spread. Likewise, the legislative objective of PHL § 206 includes authorizing the Commissioner of Health to take cognizance of the interests of health and life of the people of the state, and of all matters pertaining thereto and exercise the functions, powers and duties of the department prescribed by law, including control of communicable diseases. The legislative objective of Public Health Law § 225 is, in part, to protect the public health by authorizing PHHPC, with the approval of the Commissioner, to amend the State Sanitary Code to address public health issues related to communicable disease.

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 substantially similar to a common cold to severe pneumonia requiring 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 conditions.

The Centers for Disease Control and Prevention (CDC) and the Department have identified a concerning national trend of increasing circulation of the SARS-CoV-2 Delta variant. Cases in New York are over 10-fold their levels in late June 2021, and greater than 99 percent of the sequenced recent positives in New York State were the Delta variant.

In response to this significant public health threat, the Department of Health seeks to empower the Commissioner through this emergency regulation to issue determinations requiring the immediate implementation of heightened COVID-19 testing protocols for population segments that may be at increased risk of transmission due, in part, to their employment or residential circumstances. Regular COVID-19 testing enables the immediate identification of COVID-19-positive individuals, even if they are not symptomatic, so that they can isolate and prevent further transmission. Additionally, the reporting of positive COVID-19 test results to public health authorities facilitates the rapid initiation of contact tracing to ensure close contacts are quarantined, tested, and isolated as needed.

These regulations also permit the Department to require reporting of testing and positive reports among school students, teaching staff, and any other employees or volunteers. It is important for the Department to monitor COVID-19 testing and positive reports in schools, given the number of students that are currently unvaccinated. Children ages 5 through 11 years old were only recently authorized by the U.S. Food and Drug Administration (FDA) to receive COVID-19 vaccinations. For those in the 12-17 age group, the CDC data estimates that 70.2% of this population has been vaccinated in New York State, with 61.6% in this age group completing a COVID-19 vaccine series. By carrying forward the reporting requirements that were in place for the 2020-2021 school year, the Department will be able to track COVID-19 incidence and prevalence in school settings for the upcoming school year. This will allow the Department to work with school districts and local health departments to implement targeted prevention strategies, where needed to limit the spread of the virus.

Costs:

Costs to Regulated Parties:

In imposing testing requirements pursuant to a Commissioner's determination, the Commissioner, in consultation with the Department, will consider costs and how they may be offset. For example, testing for certain populations is supported by federal grant funding. The State has received

approximately 335 million dollars in federal Epidemiology and Laboratory Capacity for Infectious Diseases Cooperative (ELC) Agreement School Reopening Funding through at least July 31, 2022 with the possibility for future funding periods. The New York City Department of Health and Mental Hygiene has received an award for this purpose of approximately 251 million dollars. These amounts are believed to be sufficient to offset any costs associated with any school-related testing in New York State that may be required pursuant to this regulation, such that the fiscal impact on Local Health Departments and schools is minimized. Costs for testing can also be offset by testing that is offered under Operation Expanded Testing which is free testing in K-12 schools and other congregate settings which is funded by the Department of Health and Human Services (HHS) and Department of Defense (DoD).

With regard to the COVID-19 school reporting requirement, schools had to submit daily reports related to COVID-19 testing and positive reports for the 2020-2021 school year. These regulations carry forward this reporting requirement and is not expected to generate any additional cost.

Costs to Local and State Governments:

Costs to local health departments and the Department are expected to be minimal and related to monitoring compliance with these regulations, which can be incorporated into existing reporting and oversight activities and resources.

Paperwork:

This measure will require documentation related to the testing requirement, as well as documentation to opt-out of testing by providing documentation of full vaccination against COVID-19 in appropriate records. No additional paperwork requirements are anticipated for the school reporting requirement, which is expected to take the form of electronic submission to the Department.

Local Government Mandates:

These regulations impose an obligation on schools and school districts to report COVID-19 testing and positive report data for students, teaching staff, and any other employees or volunteers. Local government may also be impacted if subject to a Commissioner's testing determination.

Duplication:

There is no duplication of federal law.

Alternatives:

The alternative to the school reporting requirement would be to not require COVID-19 related reporting for schools and school districts. A lack of the regulation would translate to a lack of accuracy in case statistics and delays or inadequate contact tracing. In addition, the Department would lose the ability to communicate with the community about COVID transmission patterns at the individual school level.

The alternative to permitting the Commissioner to issue determinations to require testing in certain settings would limit the ability for the Department to monitor trends related to COVID-19 transmission in more vulnerable populations, making it more difficult to work with partners to implement prevention strategies. Regular testing also helps to isolate infected individuals more quickly, as well as identify any contacts that need to be quarantined to prevent additional spread of COVID-19.

Federal Standards:

States and local governments have primary authority for controlling disease within their respective jurisdictions. Accordingly, there are no federal statutes or regulations that apply to disease control within NYS.

Compliance Schedule:

The regulations will become effective upon filing with the Department of State and will expire, unless renewed, 90 days from the date of filing. 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 aforementioned 90-day effective period in making determinations on the need for continuing this regulation on an emergency basis or issuing a notice of proposed ruling 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:

As part of ongoing efforts to address the COVID-19 pandemic, small businesses and local governments have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Given the testing and reporting mechanisms that have already been established in many settings, it is not anticipated that this regulation will have a significant impact on or cost to these entities. With regard to the school COVID-19 reporting requirement, this regulation will apply to private schools, including parochial schools, some of which may be small businesses, as well as public schools operated by local governments.

Compliance Requirements:

These regulations provide that testing may be required under certain

circumstances, and in certain settings, as determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread. As part of a Commissioner's testing-related determination, this regulation permits the Commissioner to request information/data related to the elements set forth in the determination. These regulations also set forth specific COVID-19 testing and positive report reporting requirements for schools, carrying forward the reporting requirements in place during the 2020-2021 school year.

Professional Services:

As testing is a requirement of this regulation, the types of professional services that will be needed to comply with this rule include diagnostic and screening testing services offered by clinical laboratories that hold the appropriate New York State approval to carry out testing. Because there will be flexibility in the types of tests that can be used to operationalize testing, the types of clinical laboratories that can be used for testing will depend on the type of testing being performed. If a laboratory-based nucleic acid amplification tests (e.g., PCR) will be used to meet the testing requirement, testing will need to be performed off-site by a fully permitted clinical laboratory. In this scenario, individuals are sent to a partner for testing, or an arrangement can be made to conduct sample collection on-site for testing off-site at the clinical laboratory. If rapid waived tests will be used to meet the testing requirement, testing can be performed by a Limited Service Laboratory (LSL). Due to the lower requirements that need to be met for waived testing, an LSL can be established for on-site testing of individuals (e.g., performing testing on-site at a school).

Compliance Costs:

In imposing testing requirements pursuant to a Commissioner's determination, the Commissioner, in consultation with the Department, will consider costs and how they may be offset. For example, testing for certain populations is supported by federal grant funding. The State has received approximately 335 million dollars in federal Epidemiology and Laboratory Capacity for Infectious Diseases Cooperative (ELC) Agreement School Reopening Funding through at least July 31, 2022 with the possibility for future funding periods. The New York City Department of Health and Mental Hygiene has received an award for this purpose of approximately 251 million dollars. These amounts are believed to be sufficient to offset any costs associated with any school-related testing in New York State that may be required pursuant to this regulation, such that the fiscal impact on Local Health Departments and schools is minimized. Costs for testing can also be offset by testing that is offered under Operation Expanded Testing which is free testing in K-12 schools and other congregate settings which is funded by the Department of Health and Human Services (HHS) and Department of Defense (DoD).

With regard to the COVID-19 school reporting requirement, schools had to submit daily reports related to COVID-19 testing and diagnoses for the 2020-2021 school year. These regulations carry forward this reporting requirement and is not expected to generate any additional cost.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

Any adverse impacts related to school reporting requirements are expected to be minimal, as it carries forward reporting requirements that schools were required to implement last year. The Department, however, will work with schools to ensure they are aware of the new regulations and have the information necessary to comply.

With regard to minimizing adverse impacts related to the Commissioner's authority to issue test-related determinations, many settings have been increasingly implementing COVID-19 prevention strategies, with testing being one such example. Specifically, schools became familiar with COVID-19 testing last year when the Department provided no cost antigen test cards as part of the microcluster testing initiative. Some schools have already implemented regular pooled surveillance testing to give communities confidence in the safety of their schools. Where the Commissioner issues a testing-related determination, the Department will work with the entities subject to such determination to provide the guidance necessary to comply.

Small Business and Local Government Participation:

Due to the emergent nature of COVID-19, small business and local governments were not consulted.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

While 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 2019 United States Census county populations projections:

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 the 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:

These regulations provide that testing may be required under certain circumstances and in certain settings, as determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread. As part of a Commissioner’s testing-related determination, this regulation permits the Commissioner to request information/data related to the elements set forth in the determination. Lastly, these regulations also set forth specific COVID-19 testing and positive test reporting requirements for schools, carrying forward the reporting requirements in place during the 2020-2021 school year.

Costs:

In imposing testing requirements pursuant to a Commissioner’s determination, the Commissioner, in consultation with the Department, will consider costs and how they may be offset. For example, testing for certain populations is supported by federal grant funding. The State has received approximately 335 million dollars in federal Epidemiology and Laboratory Capacity for Infectious Diseases Cooperative (ELC) Agreement School Reopening Funding through at least July 31, 2022 with the possibility for future funding periods. The New York City Department of Health and Mental Hygiene has received an award for this purpose of approximately 251 million dollars. These amounts are believed to be sufficient to offset any costs associated with any school-related testing in New York State that may be required pursuant to this regulation, such that the fiscal impact on Local Health Departments and schools is minimized. Costs for testing can also be offset by testing that is offered under Operation Expanded Testing which is free testing in K-12 schools and other congregate settings which is funded by the Department of Health and Human Services (HHS) and Department of Defense (DoD).

With regard to the COVID-19 school reporting requirement, schools had to submit daily reports related to COVID-19 testing and diagnoses for the 2020-2021 school year. These regulations carry forward this reporting requirement and is not expected to generate any additional cost.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

Any adverse impacts related to school reporting requirements are expected to be minimal, as it carries forward reporting requirements that

schools were required to implement last year. The Department, however, will work with schools to ensure they are aware of the new regulations and have the information necessary to comply.

With regard to minimizing adverse impacts related to the Commissioner’s authority to issue test-related determinations, many settings have been increasingly implementing COVID-19 prevention strategies, with testing being one such example. Specifically, schools became familiar with COVID-19 testing last year when the Department provided no cost antigen test cards as part of the microcluster testing initiative. Some schools have already implemented regular pooled surveillance testing to give communities confidence in the safety of their schools. Where the Commissioner issues a testing-related determination, the Department will work with the entities subject to such determination to provide the guidance necessary to comply.

Rural Area Participation:

Due to the emergent nature of COVID-19, parties representing rural areas were not consulted.

Job Impact Statement

A Job Impact Statement is not being submitted with this rule because it is evident from the subject matter of the rule that it will have no impact on jobs and employment opportunities. The primary purposes of this rule is to carry forward COVID-19 related reporting and to permit the Commissioner to impose COVID-19 testing requirements in certain settings based on specified criteria.

Department of Labor

NOTICE OF ADOPTION

Sick Leave Requirements

I.D. No. LAB-49-20-00012-A

Filing No. 1233

Filing Date: 2021-12-08

Effective Date: 2021-12-22

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

Action taken: Addition of Part 196 to Title 12 NYCRR.

Statutory authority: Labor Law, sections 21(11), 196-b(13) and 199

Subject: Sick Leave Requirements.

Purpose: To provide definitions and standards for the sick leave requirements contained in section 196-b of the Labor Law.

Text or summary was published in the December 9, 2020 issue of the Register, I.D. No. LAB-49-20-00012-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The Department of Labor (“Department”) received comments from interested stakeholders. Some comments support the rule, while other comments request changes to or clarification of the rule.

Carry Over

Comment 1: Commenters suggested a limitation on the number of hours that employees can carry over to the following year, particularly when employers “front load” leave time.

Response 1: No limitation is contemplated in Labor Law Section 196-b (“the statute”) and imposing such would exceed the permissible scope of this rulemaking.

Comment 2: Commenters suggested employers that currently pay for unused paid time off would be harmed by the requirement to carry over unused sick leave and could create confusion amongst other paid time off practices.

Response 2: Nothing in the Labor Law or this rule affects the practice of paying for unused paid time off. Employers are not required to integrate this sick leave with their existing paid leave policies, as other forms of leave are not subject to the statute’s requirements or this rule.

Comment 3: Commenters suggested the ability pay out accrued sick leave time rather than carrying over hours.

Response 3: While the statute requires that employers carry over unused sick leave to the next calendar year, employers may do one of the following: (1) give employees the option to voluntarily elect to use and receive payment for paid sick leave prior to the end of a calendar year or carry over unused sick leave; or (2) only allow employees to carry over unused sick leave.

Employee Rights

Comment 4: A commenter suggested that allowing employees to immediately use sick leave upon accrual will result in newer employees abusing the use of sick leave.

Response 4: Nothing in the statute limits applicability to full-time or long-term employees, and imposing such would exceed the permissible scope of this rulemaking.

Comment 5: Commenters suggested the rule include information on the rights of employees to file administrative complaints and court actions, and to be free from retaliation.

Response 5: Such provisions already exist in the Labor Law and are outside of the scope of this rulemaking. Relevant information is also available within existing Department guidance.

Other Leave Usage

Comment 6: A commenter suggested employees be required to use sick leave when taking time off for one of the covered reasons under the statute, to the exclusion of other available leave.

Response 6: Such a requirement may conflict with other statutory or collectively bargained employee leave options and therefore will not be included in this rulemaking.

Comment 7: Commenters suggested clarification on how employers should treat any conflict between the statute's requirements and other leave policies, and questioned whether shared accrual banks are permissible under the statute.

Response 7: While the Department understands there may be occasional conflicts between an employer's existing leave policies and the statute, the statute permits such alternative compliance so long as the standards set in the accrual, use, and carryover provisions are met.

Comment 8: A commenter suggested flexibility for employers when required to provide summaries of used leave.

Response 8: The statute requires that employers provide a summary of the amounts of sick leave accrued and used by employees in the current and/or any previous calendar year. The use and documentation of other leave types is outside of the scope of the present rule.

Comment 9: A commenter suggested changing the references in § 196-1.4(a) from "paid leave" and "unpaid leave" to "paid sick leave" and "unpaid sick leave" to eliminate any confusion with other employer offered leave.

Response 9: The statute allows employers to adopt "a sick leave policy or time off policy" (emphasis added) that meets or exceeds the requirements of the law. As such, no clarification is necessary.

Comment 10: Commenters suggested clarification on how the statute interacts with other state and federal statutes.

Response 10: The Department declines to opine on any potential conflict with existing state or federal statutes, apart from asserting that none are believed to exist.

Collective Bargaining Agreements ("CBAs")

Comment 11: Commenters suggested that additional language governing CBAs be added to the rule, and several commenters posed interpretation questions related to CBAs.

Response 11: These comments are outside of the scope of this rulemaking, which does not directly address CBAs.

Employee Count

Comment 12: Commenters asked whether the employee count used to assess the statute's requirements includes only employees who work within New York State.

Response 12: While not addressed in this rulemaking, for the purpose of determining an employer's number of employees, the Department interprets the statute to include all employees of the employer nationwide. However, the statute's requirement for sick leave applies only to employees in New York State.

Comment 13: Commenters expressed both concern and approval regarding the proposal to use the highest number of concurrently employed employees to establish employers' obligations under the statute. Commenters suggested that employee counts should not include employees who are not reasonably expected to return to active employment.

Response 13: Alternative language proposed by commenters was considered and not included. The Department may provide additional guidance for clarity as necessary.

Comment 14: Commenters requested clarification on joint employment relationships under the law.

Response 14: The rule defers to existing and settled law, court decisions, and guidance on joint employers and does not create new standard.

Documentation and Attestations

Comment 15: Commenters suggested that the Department produce a template for employee attestations.

Response 15: The Department will publish a template.

Comment 16: Commenters asked whether employers could refuse an employee's initial attestation or statements and deny leave, and suggested that documentation be permitted to be required for shorter leave requests, including situations where abuse of leave is suspected. Commenters also suggested that no documentation should be required to use leave, and that documentation requirements should only apply for periods longer than three days.

Response 16: An employer may not deny an employee leave while attempting to confirm the basis for the leave. If, however, the employer discovers the request to be false or fraudulent, disciplinary action may be taken against the employee. Employers are cautioned to not penalize or otherwise retaliate against an employee for submitting such a request or attestation, as may be prohibited by Section 215 of the Labor Law. The Department does not believe a documentation requirement for leave less than three days is necessary for investigation into potential employee abuse of sick leave and otherwise believes documentation requirements are sufficient.

Comment 17: One commenter stated that Section 196-1.3(b) of the regulations exceeds the Department's authority.

Response 17: The regulation clarifies that employers are not permitted to deny sick leave when requested medical documentation or other verification is unattainable due to associated costs.

Comment 18: One commenter suggested removing references to employee "eligibility", as it infers that employees bear the burden of proving they earned their sick leave.

Response 18: The statutory authority for this rulemaking specifically refers to "employee eligibility."

Notice to Employers and Scheduling

Comment 19: Commenters suggested clarifying that employees are not entitled to sick leave for non-workdays.

Response 19: The Department is unaware of any Labor Law provisions wherein paid leave includes days not scheduled as workdays, and therefore it is unnecessary to address this issue.

Comment 20: Commenters suggested adding an advance notice requirement for foreseeable events, or conversely a limitation on the amount of notice required for the same, and others suggested a limit on the number of times employees can "call-in" for any leave reason. Last minute changes in schedules can present operational difficulties for employers.

Response 20: As it would be difficult to create separate categories governing and classifying foreseeability, the Department declines to create a separate notice requirement for foreseeable leave.

Notice to Employees

Comment 21: Commenters suggested requiring employers to provide notice of the statute's requirements to employees. Commenters also requested the Department provide an approved notice for this purpose.

Response 21: Imposing such a mandatory requirement on employers would exceed the scope of this rulemaking.

Part-time/Per Diem/Substitute Employees

Comment 22: Commenters stated that part-time, per-diem, or substitute employees present a significant expense to employers and suggested revisions to account for per diem or replacement employees with indeterminate shift lengths, so that leave time used is consistent with the hours worked by a replacement employee.

Response 22: Adopting such a requirement would be outside the permissible scope of this rulemaking. As the statute only requires leave accruals at the rate of one hour per 30 hours worked, it is not anticipated that part-time or substitute employees will present a greater proportionate financial burden than their fulltime counterparts. The Department disagrees that used leave time should align with hours worked by another employee.

Rate of Pay

Comment 23: Commenters asked how to determine an employee's regular rate of pay, and sought to codify existing guidance.

Response 23: Methods for determining an employee's regular rate of pay already exists within the Labor Law, the regulations of the Department of Labor, relevant case law, and guidance.

Frequency/Timing of Pay

Comment 24: A commenter suggested the rule specify when employers are required to pay for used sick leave.

Response 24: Failure to provide employee benefits such as sick leave is equivalent to a failure to pay employee wages.

Incremental Accruals

Comment 25: A commenter expressed concerns with the requirement to account for sick leave accruals in increments below 30 hours.

Response 25: As the rule allows employers to round time, the language strikes the proper balance between the rights of employees and obligations of employers. Employers may elect to front load leave to employees at the beginning of the year to avoid added complexity.

Additional Regulations and Guidance/FAQs

Comment 26: Commenters suggested including additional topics that have been covered in guidance and frequently asked questions (FAQs) (as well as edits to such guidance).

Response 26: The current guidance and FAQs are sufficient in the areas referenced and as such topics are outside of the scope of the rule, no further response is appropriate.

New Definitions

Comment 27: Commenters suggested changes and additions to the rule's definitions.

Response 27: The rule's definitions, in addition to other statutory definitions found in the Labor Law, are sufficient to effectuate the purposes of the rule.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Workplace Safety Committees

I.D. No. LAB-51-21-00007-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 850 to Title 12 NYCRR.

Statutory authority: Labor Law, sections 27-d(8), 21(11) and 29

Subject: Workplace Safety Committees.

Purpose: To comply with Labor Law section 27-d(8) which requires that the department adopt regulations.

Public hearing(s) will be held at: 11:00 a.m., Feb. 9, 2022, location to be announced on Department of Labor's website.

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: A new Subchapter B, and a new Part 850 therein, is added to Title 12 of the Official Compilation of Codes, Rules, and Regulations of the state of New York to read as follows:

Section 850.1 Purpose

This part establishes rules and regulations for workplace safety committees, as required by Section 27-d of the Labor Law.

§ 850.2 Definitions

As used in this Part and for the purposes of Section 27-d of the Labor Law:

(a) "Employee" means any person suffered or permitted to work for, at, or by an employer, in the State, except for employees of the State, any political subdivision of the State, a public authority, or any other governmental agency or instrumentality.

(b) "Employer" means any person, entity, business, corporation, partnership, limited liability company, or association employing at least ten employees. The term shall not include the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality.

(1) The number of employees employed by an employer shall be determined by counting the total number of employees employed within the State by the employer.

(2) Employees on paid or unpaid leave, including sick leave, leaves of absence, disciplinary suspension, or any other type of temporary absence, are to be counted as long as the employer has a reasonable expectation that the employee will later return to active employment. If there is no employment relationship (as when an employee is laid off or terminated, whether temporarily or permanently), such individual is not counted.

(3) Part-time, newly hired, temporary, and seasonal employees, like full-time employees, are considered to be employees. Employees jointly employed by more than one employer shall be counted by each employer, whether or not they are on the employer's payroll records, in determining employer coverage and employee eligibility to participate in the Workplace Safety Committee.

(c) "Geographically distinct worksites" means two or more worksites operated by the same employer that do not constitute a single worksite.

(d) "Non-Supervisory Employee" means any employee who does not perform supervisory responsibilities, which includes but is not limited to the authority to direct and/or control the work performance of other Employees. "Non-Supervisory Employee" excludes managerial and executive Employees.

(e) "Notice" shall mean a written, posted, or electronic method of providing information to an individual that is reasonably calculated to provide actual notice but shall not require acknowledgement of receipt.

(f) "Temporary worksite" means a work location at which no Employee works for fewer than twenty working days.

(g) "Worksite" means a single, physical location where services, operations or other activities are performed, provided that:

(1) Several worksites within a single location or building may exist if separate employers conduct activities within the building. For example, an office building housing 50 different businesses may contain 50 worksites, and a construction site with employees of several different employers may contain several different worksites.

(2) A worksite may refer to either a single location or a group of contiguous locations in proximity to one another even though they are not directly connected to one another. For example, groups of structures which form a campus or industrial park or separate facilities across the street from one another owned by the same employer may be considered a single worksite.

(3) Separate buildings or facilities which are not physically connected or are not in proximity to one another may be considered a worksite if they are in reasonable geographic proximity, are used by the employer for the same purpose, and share the same staff or equipment. Where an employer has two separate locations in the same geographic area and the purpose of one location is to support the operations of the other location, and this support requires travel between the two locations, the two locations will be considered a worksite.

(4) Contiguous buildings or sites occupied by the same employer that have separate management, produce different products or provide different services, and have separate workforces do not constitute a single worksite. However, all operations of an Employer within the same building will be considered a single worksite. For example, an Employer that operates offices on numerous floors of a single building is operating a single worksite.

(5) Non-contiguous sites in the same geographic area that have separate management, produce different products or provide different services, and have separate workforces do not constitute a single worksite.

(6) The worksite of employment for employees whose primary duties require travel from point to point, who telecommute, are out stationed, or whose primary duties involve work outside any of the employer's regular employment sites (e.g., railroad employees, bus drivers, salespersons), shall be the worksite to which they are assigned as their employer's home base, from which their work is assigned, or to which they report.

(7) The term "Worksite" shall not include a Temporary worksite as defined in this section.

§ 850.3 Workplace Safety Committees

(a) Establishment:

(1) Workplace safety committees may be established for each worksite following a written request for recognition by at least two non-supervisory employees who work at the worksite. Multiple requests for committee recognition shall be combined and treated as a single request to form a committee. For example, two separate written requests by individual non-supervisory employees who work at the worksite shall be considered a qualifying written request for recognition by at least two non-supervisory employees.

(2) Upon the receipt of a request for recognition, employers shall respond to such request with reasonable promptness. Requests for committee recognition received after a committee has been recognized by an employer shall be denied and referred to the committee. Requests for committee recognition where an employer already has a workplace safety committee that is otherwise consistent with the requirements of Section 27-d and this Part may be denied and referred to said committee.

(3) Within five days of recognition, employers shall provide notice to all employees at the worksite of the recognition.

(4) Employers shall not interfere with the selection of the non-supervisory employees of a workplace safety committee.

(5) Workplace safety committees representing geographically distinct worksites may also be formed by non-supervisory employees in accordance with the provisions set forth in this section, including by non-supervisory employees who regularly work in multiple or different geographically distinct worksites. For example, non-supervisory employees of a traveling show may form a committee to represent the geographically distinct worksites the show travels within the State.

(6) Workplace safety committees shall be authorized to perform the functions set out in Section 27-d.

(b) Composition:

(1) Workplace safety committees shall be comprised of not less than two non-supervisory employees and not less than one employer representative. The ratio of non-supervisory employees to employer representatives shall not be less than two non-supervisory employees to one employer representative at any given time.

(2) Non-supervisory employees at a worksite without a collective bargaining agreement in place shall be selected by and amongst the employer's non-supervisory employees as determined by the non-supervisory employees of the employer. Examples of methods to select non-supervisory employees include, but not limited to, self-selection, nomination by co-workers, and elections. At a worksite where there is a collective bargaining agreement in place, the collective bargaining representative shall select the employee representatives, who may be any non-supervisory employee or employee covered by the collective bargaining agreement.

(3) Workplace safety committees shall have a maximum of 12 members, inclusive of non-supervisory employees and employer representatives, or one-third of the total number of employees at a worksite, whichever is fewer, except that workplace safety committees at worksites that have fewer than 10 employees shall have 3 members.

(4) Workplace safety committees shall be co-chaired by a non-supervisory employee and an employer representative.

(5) No non-supervisory employee may be a member of two different workplace safety committees for the same employer.

(c) Rules:

(1) Workplace safety committees may take actions as a committee in a manner consistent with any rules or procedures adopted by the committee. If no rules or procedures are adopted by the committee, the committee may take action only by majority vote.

(2) Workplace safety committees may establish rules or bylaws, provided that such operating procedures are consistent with this Part and Section 27-d of the Labor Law. Such rules and bylaws may include but are not limited to procedures for the selection of new members, terms of members, and the training of new members. Bylaws that exceed or conflict with the tasks authorized by Section 27-d(4) of the Labor Law shall be considered ultra vires.

(3) Workplace safety committees may provide for an official training opportunity for committee members provided, however, that such training shall not, for any member, exceed four hours in any calendar year. Such official training shall be without loss of pay to committee members.

(4) Meetings shall be scheduled in accordance with rules adopted by the workplace safety committee, otherwise by agreement of the co-chairs.

(5) Meetings shall be scheduled at times that do not unreasonably conflict with the Employer's business operations.

(6) Meetings may be conducted at least once per quarter for not longer than two work hours in total for all meetings per quarter. Time spent during work hours for any such meetings shall be considered hours worked. Nothing in this Part shall restrict a workplace safety committee's ability to conduct additional meetings beyond the meeting or meetings that consist of two work hours in total per quarter, but they must be conducted outside of work hours and do not constitute hours worked, except with permission of the Employer.

(7) Workplace safety committees, through the co-chairs, shall be responsible for notifying the employer of changes to the membership of the committee.

(8) Nothing in this Part shall be construed to restrict an employer's ability to prohibit the performance of committee duties during work hours, except during quarterly committee meetings. Employees' work on workplace safety committee matters, aside from quarterly meetings, may not interfere with the performance of their work responsibilities.

§ 850.4 Employer Obligations.

(a) After the establishment of a workplace safety committee, employers shall:

(1) Respond, in writing, to each safety and health concern, hazard, complaint and other violations raised by the workplace safety committee or one of its members within a reasonable time period.

(2) Respond to a request for policies or reports that relate to the duties of the workplace safety committee as specified in Section 27-d(4) of the Labor Law and 850.3(a)(6) of this Part from a workplace safety committee or one of its members within a reasonable time period.

(3) Provide notice, where practicable and not prohibited by law, to the workplace safety committee and its members ahead of any visit at the worksite by a governmental agency enforcing safety and health standards.

(4) Appoint an employer representative to the committee to act as co-chair. Such employer representative may be a non-supervisory employee, an officer, the employer, or other representative.

(5) Permit members of the workplace safety committee to attend a meeting for up to two hours per quarter and an official training as scheduled by the committee in compliance with this Part. Attendance of meetings or trainings held in compliance with this section shall be considered hours worked.

(b) No employer shall interfere with the performance of the duties of the workplace safety committee or its members authorized by Section 27-d(4) of the Labor Law.

(c) No employer shall be required to disclose information or documenta-

tion to the workplace safety committee or committee member where such disclosure is prohibited by law, contains the personal identifying information of an employee as defined by Section 203-d of the Labor Law, or is outside of the scope of the information or documentation set forth in Section 27-d(4) of the Labor Law.

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

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

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

Regulatory Impact Statement

1. Statutory Authority: Labor Law §§ 27-d(8), 21(11), 29.

2. Legislative Objectives: On May 5, 2021, the New York Health and Essential Rights Act (NY HERO Act) was signed into law. Section 2 of the HERO Act adopted Section 27-d of the Labor Law, which permits employees to form workplace health and safety committees to work with employers on safety and health issues. In adopting Section 27-d of the Labor Law, the legislature sought to ensure that employees have the opportunity to provide input so as to provide for greater protection in the workplace through workplace safety committees. The law mandates that the Department of Labor adopt regulations to effectuate the provisions and purposes of Section 27-d.

3. Needs and Benefits: This regulation is both necessary and required for the implementation of Section 27-d. This regulation implements Section 27-d through definitional clarifications, as well as rules for the establishment, composition, and operation of committees, and specific employer obligations arising therefrom.

Definitions: The Legislature, in adopting Section 27-d of the Labor Law, used a number of terms that are not defined for the purposes of the Labor Law. As Section 27-d is applicable to employers with 10 or more employees, but does not specify what an employer's count is based on, the proposed rule provides that employee counts will be based upon the total number employees that an employer employs. Consistent with existing interpretations of provisions in Article 6 of the Labor Law, employees who are on a leave of absence while maintaining an employment relationship, part-time employees, and employees jointly employed with one or more other employer are included in such counts. Additionally, Section 27-d provides that employees may form committees at each "worksite," but does not clarify as to what constitutes a worksite. Given the language in Section 27-d, the present rule utilizes existing regulatory language relating the State WARN Act's definition of a "single site of employment" in 12 NYCRR 921-1.1. Definitions of "employee," "employer," "geographically distinct worksites," "non-supervisory employee," "notice," and "temporary worksite" are also included to provide clarity on Section 27-d and the present rule.

Committee Establishment: The proposed rule provides that committees can request recognition to be established by two non-supervisory employees, which is based on the ratio required to be maintained on such committees in Section 27-d, and provides for multiple requests for formation be combined. The proposed rule requires that employers respond to requests with "reasonable promptness," but does not specify a time period as none is set forth in Section 27-d and circumstances surrounding recognition by an employer may not align to a simple deadline. Committees for geographically distinct worksites may be established as well under the proposed rule.

Committee Composition: The proposed rule sets both minimum number of members at three (3), based upon the ratio set forth in 27-d(2), and the maximum number of members at twelve (12), to provide a reasonable limit to ensure the committee can operate as intended by section 27-d. In line with Section 27-d, the proposed rule clarifies that where collective bargaining agreements are in place, the bargaining agent may select the employee members for the committee. In worksites where a collective bargaining agreement is not in effect, the proposed rule permits employees to select the members of the committee and prohibits employer involvement in such process. No specific process or form is required; employees will be free to select members in any way they see fit. Examples, however, are provided and include self-selection, which may be appropriate for smaller worksites, and elections, which may be appropriate for a larger worksite.

Committee Rules: The proposed rule permits committees to establish operating rules and procedures, provided such are consistent with law. Rules for the training of committee members, the scheduling of meetings, and notification of changes in the membership of the committee are also set forth. The proposed rule clarifies that committee members are required to be paid for a maximum of four hours of committee training per calendar year, and for up to two hours per quarter for committee meetings.

Employer Obligations: Without imposing new or onerous obligations

on employers, the proposed rule is intended to clarify what specific obligations employers have under Section 27-d of the Labor Law. The proposed rule provides that employers are not required to disclose information that violates law, that would be inappropriate to share with co-workers, or is irrelevant to the purposes of the committee's duties.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: The proposed rule does not impose any new costs on the regulated community since, as described above, the rule provides definitions and clarity as to the existing requirements under Section 27-d of the Labor Law. The proposed rule works to implement the statute while avoiding any costs above what the law already requires, and provides clarity to the regulated community as to the requirements of the Labor Law. Notably, employers, under the rule and Section 27-d, are not required to pay for the cost of training or other expenses of the committee. The proposed rule will be beneficial to employers as it will reduce uncertainty and potential violations by providing a clear framework for compliance.

(b) Costs to agency, the State and local governments for the implementation and continuation of the rule: The rule does not apply to the public employers. The proposed rule does not impose any new costs on the Department of Labor since, as described above, the rule provides definitions and clarity as to the existing requirements under Section 27-d of the Labor Law.

(c) The information, including the sources of such information and the methodology upon which the cost analysis is based: The present rule does not impose any new mandate or costs; rather, it provides clarity to Section 27-d of the Labor Law, including relevant definitions and guidance for the formation, composition, and operation of workplace safety committees.

5. Local Government Mandates: This regulation does not apply to governmental entities.

6. Paperwork: This regulation is necessary to implement Section 27-d of the Labor Law and does not impose any specific recordkeeping, reporting or other paperwork requirements beyond those inherent in the statute. There are no changes in the reporting or record-keeping requirements proposed by this rule. This rule does not impact any reporting requirements currently required in either statute or regulation.

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

8. Alternatives: There were no significant alternatives considered.

9. Federal Standards: This rulemaking does not duplicate, overlap, or conflict with any other state or federal requirements.

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

Regulatory Flexibility Analysis

1. Effect of Rule: The purpose and intent of this regulation is to implement Section 2 of the NY HERO Act by setting forth regulations for workplace safety committees.

2. Compliance Requirements: This regulation does not impose any requirements in addition to those imposed by the Section 27-d of the Labor Law. The regulation does not apply to governmental entities.

3. Professional Services: No professional services are required to effectuate the purposes of this regulation.

4. Compliance Costs: While it is anticipated that employers may incur costs as a result of the requirements of the NY HERO Act, the present rulemaking does not impose any additional or further costs on the regulated community than those imposed by the HERO Act itself. The proposed rule works to implement the statute while avoiding any costs above what the law requires, and merely provides clarity to the regulated community as to the requirements of Section 27-d of the Labor Law. In so doing, the proposed rule will be beneficial to employers as it will reduce uncertainty and potential violations by providing a clear framework for compliance.

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

6. Minimizing Adverse Impact: The Department does not anticipate that this regulation will adversely impact small businesses or local governments.

7. Small Business and Local Government Participation: The Department has met with various stakeholders, including those representing small businesses, and has sought feedback to the regulation from stakeholders both on its website and through this rulemaking's comment period. Small businesses may submit public comments during the public comment period.

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

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: The Department anticipates that this regulation will have a positive or neutral impact upon

all areas of the state; there is no adverse impact anticipated upon any rural area of the state resulting from adoption of this regulation.

2. Reporting, recordkeeping and other compliance requirements: This regulation is necessary to implement Section 27-d of the Labor Law and does not impose any specific recordkeeping, reporting or other paperwork requirements beyond those inherent in the statute. There are no changes in the reporting or record-keeping requirements proposed by this rule. This rule does not impact any reporting requirements currently required in either statute or regulation.

3. Professional services: No professional services will be required to comply with this regulation. Notably, employers, under the rule and Section 27-d, are not required to pay for the cost of training or other expenses of the committee.

4. Costs: The proposed rule does not impose any new costs on the regulated community since, as described above, the rule provides definitions and clarity as to the existing requirements under Section 27-d of the Labor Law. The proposed rule works to implement the statute while avoiding any costs above what the law already requires, and provides clarity to the regulated community as to the requirements of the Labor Law. Notably, employers, under the rule and Section 27-d, are not required to pay for the cost of training or other expenses of the committee. The proposed rule will be beneficial to employers as it will reduce uncertainty and potential violations by providing a clear framework for compliance.

5. Minimizing adverse impact: The Department does not anticipate that this regulation will adversely impact small businesses or local governments.

6. Rural area participation: The Department has met with various stakeholders, including those representing businesses and employees throughout the State, and has sought feedback to the regulation from stakeholders both on its website and through this rulemaking's comment period.

Job Impact Statement

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

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

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

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

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

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

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Distribution Level Demand Response Programs

I.D. No. PSC-51-21-00008-P

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

Proposed Action: The Commission is considering an annual report by Consolidated Edison Company of New York, Inc. detailing its demand response programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Distribution level demand response programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission (Commission) is considering an annual report, filed on November 15, 2021 by

Consolidated Edison Company of New York, Inc. (Con Edison or the Company) detailing demand response program performance and costs for 2021.

Con Edison's annual report details all five demand response programs: Rider T, the commercial system relief program; the distribution load relief program; Rider AC, the direct load management (DLM) program, also known as Auto-DLM; Term-DLM; and Rider L, the direct load control program, which is carried out through the bring your own thermostat program. The report also reviews the New York Power Authority's demand response enrollments and performance, and cost components and program performance associated with these programs for the 2021 program year.

Con Edison does not propose any changes in the annual report but explains that the value of demand response for resource planning and infrastructure deferral will increase as customer enrollment grows.

The full text of the annual report 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 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.

(09-E-0115SP11)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Distribution-Level Demand Response Programs

I.D. No. PSC-51-21-00009-P

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

Proposed Action: The Commission is considering an annual report and tariff filing by Niagara Mohawk Power Corporation d/b/a National Grid to effectuate revisions to its Dynamic Load Management Program tariffs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Distribution-level demand response programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission (Commission) is considering a tariff amendment, filed on November 1, 2021 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company), to revise its Schedule for Electric Service, P.S.C. No. 220 – Electricity (Tariff), for the purpose of complying with the Commission's Order Adopting Program Changes with Modifications and Making Other Findings issued in Case 15-E-0189 on April 23, 2018.

The Company proposes to remove certain provisions established for the 2021 Capability Period, as directed by the Commission's Order Adopting Program Changes with Modifications and Making Other Findings issued in the same case on April 16, 2021. Specifically, the Company proposes to remove language in the Tariff Leaf's 263.13 and 263.12 that allowed aggregators to revise their kilowatt hour pledge. National Grid explains that this accommodation is not needed for the summer 2022 capability period.

In addition to the proposed Tariff revisions, on November 15, 2021 National Grid filed an annual report in Case 15-E-0189 detailing program performance and costs for 2021. Furthermore, National Grid made supplemental confidential filings on November 16, 2021. The annual report details the Company's five distribution level demand response programs: the distribution load relief program as described in Rule 61 of the Company's Tariff; the commercial system relief program described in Rule 62 of the Tariff; the direct load control program described in Rule 63 of the Tariff; and the term-dynamic load management program and auto-dynamic load management programs described in Rule 65 of the Tariff.

National Grid does not propose any specific program changes for the

2022 capability period but notes that the Company will continue to evaluate technologies and leverage energy efficiency programs for demand response participation.

The full text of the filing 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 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.

(15-E-0189SP10)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-51-21-00010-P

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

Proposed Action: The Commission is considering the notice of intent of 540 Fulton Associates LLC to submeter electricity at 540 Fulton Street, Brooklyn, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by 540 Fulton Associates LLC on January 6, 2021, seeking authority to submeter electricity at a new market rate and income-based rental building located at 540 Fulton Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the notice of intent, 540 Fulton Associates LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(21-E-0031SP1)

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

Distribution-Level Demand Response Programs

I.D. No. PSC-51-21-00011-P

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

Proposed Action: The Commission is considering Orange & Rockland Utilities, Inc.'s annual report detailing demand response programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Distribution-level demand response programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission (Commission) is considering Orange & Rockland Utilities, Inc.'s (O&R or the Company) annual report detailing the Company's five distribution level demand response programs: Rider D – direct load control program, which consists of the bring your own thermostat program; Rider E – commercial system relief program; Rider F – distribution load relief program; and Rider P – the term- and auto- dynamic load management programs.

O&R does not propose any specific program changes for the 2022 capability period and proposed no tariff changes related to the provisions. The Company notes that the annual report details positive examples of progress, but that O&R will make efforts to encourage more customer participation. The Company notes that customer education and integration of new tools are very important to new customer participation.

The full text of the annual report 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 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.

(14-E-0423SP4)

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

Distribution-Level Demand Response Programs

I.D. No. PSC-51-21-00012-P

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

Proposed Action: The Commission is considering a tariff filing and annual report by New York State Electric & Gas Corporation to effectuate revisions to its Dynamic Load Management Program tariffs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Distribution-level demand response programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission (Commission) is considering a tariff amendment, filed on November 3, 2021 by New York State Electric & Gas Corporation (NYSEG or the Company), to revise its Schedule for Electric Service, P.S.C. No. 120 – Electricity, for the purpose of complying with the Commission's Order Adopting Program Changes with Modifications and Making Other Findings issued in Case 15-E-0188 on April 23, 2018.

The Company proposes to remove certain provisions related to its dynamic load management (DLM) programs that were established for the 2021 Capability Period, to account for the impacts of the global pandemic. Specifically, the Company proposes to remove language in the tariff that allowed aggregators to revise their kilowatt hour pledge. NYSEG explains that this accommodation is not needed for the summer 2022 capability period.

In addition to the proposed tariff revisions, on November 15, 2021 NYSEG filed an annual report in Case 15-E-0188 detailing program performance and costs for 2021. Furthermore, NYSEG filed revisions to the confidentially filed and the publicly filed annual reports on November 17, 2021, also in this case. The annual report details the Company's five distribution level demand response programs: the distribution load relief program, the commercial system relief program, the term-dynamic load management program, the auto-dynamic load management program, and the direct load control program. NYSEG does not propose any specific program changes for the 2022 capability period but notes that the Company will continue to evaluate customer feedback and refine DLM offerings.

The full text of the filing 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 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.

(15-E-0188SP7)

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

Distribution-Level Demand Response Programs

I.D. No. PSC-51-21-00013-P

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

Proposed Action: The Commission is considering a proposed tariff filing and annual report by Rochester Gas & Electric Corporation to effectuate revisions to its Dynamic Load Management Program.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Distribution-level demand response programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission (Commission) is considering a proposed tariff amendment, filed on November 3, 2021 by Rochester Gas and Electric Corporation (RG&E or the Company), to revise its Schedule for Electric Service, P.S.C. No. 19 – Electricity, for the purpose of complying with the Commission's Order Adopting Program Changes with Modifications and Making Other Findings issued in Case 15-E-0190 on April 23, 2018.

The Company proposes to remove certain provisions related to its dynamic load management (DLM) programs that were established for the 2021 Capability Period, to account for the impacts of the global pandemic. Specifically, the Company proposes to remove language in the tariff that allowed aggregators to revise their kilowatt hour pledge. RG&E explains that this accommodation is not needed for the summer 2022 capability period.

In addition to the proposed tariff revisions, on November 15, 2021 RG&E filed an annual report in this case detailing program performance and costs for 2021. Furthermore, RG&E filed revisions to the confidentially filed and the publicly filed annual reports on November 17, 2021, also in this case. The annual report details the Company's five distribution level demand response programs: the distribution load relief program, the

commercial system relief program, the term-dynamic load management program, the auto-dynamic load management program, and the direct load control program. RG&E does not propose any specific program changes for the 2022 capability period but notes that the Company will continue to evaluate customer feedback and refine DLM offerings.

The full text of the filing 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 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.

(15-E-0190SP8)

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

Distribution Level Demand Response Programs

I.D. No. PSC-51-21-00014-P

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

Proposed Action: The Commission is considering a tariff filing and annual report by Central Hudson Gas & Electric Corporation to effectuate revisions to its Dynamic Load Management Program tariffs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), 6(12), (14), and 74

Subject: Distribution level demand response programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission (Commission) is considering a tariff amendment, filed on November 1, 2021 by Central Hudson Gas and Electric Corporation (Central Hudson or the Company), to revise its Schedule for Electric Service, P.S.C. No. 15 – Electricity, for the purpose of complying with the Commission’s Order Adopting Program Changes with Modifications and Making Other Findings issued in Case 15-E-0186 on April 23, 2018.

The Company proposes to remove certain provisions related to its dynamic load management (DLM) programs. Specifically, the draft tariff leaf proposes to incorporate language that would allow the Company to set all Performance Factors, calculated to be less than or equal to 25 percent, at zero, which would eliminate reservation payments for participants whose performance does not exceed 25 percent of their kilowatts pledged.

In addition to the proposed tariff revisions, on November 15, 2021 Central Hudson filed an annual report in Case 15-E-0186 detailing program performance and costs for 2021. The annual report details the Company’s DLM offering, which is comprised solely of the commercial system relief program. Central Hudson proposes to continue the commercial system relief program relatively unchanged for 2022, except for the proposed change to set all commercial system relief program performance factors, calculated to be less than or equal to 25 percent, at zero, eliminating reservation payments for participants whose performance does not exceed 25 percent.

The full text of the filing and the 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 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.

(15-E-0186SP8)

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

PSC Regulation 16 NYCRR Sections 86.3(b)(2) and 88.4(a)(4)

I.D. No. PSC-51-21-00015-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 motion by Orange and Rockland Utilities, Inc. for waiver of the PSL Article VII application requirements to submit aerial photographs of urban areas, urban fringe areas, and a copy of the system reliability impact study.

Statutory authority: Public Service Law, sections 4 and 122

Subject: PSC Regulation 16 NYCRR sections 86.3(b)(2) and 88.4(a)(4).

Purpose: To consider the Applicants requests relating to the content of their application for transmission line siting.

Substance of proposed rule: The Public Service Commission is considering a motion filed by Orange and Rockland Utilities, Inc. (Applicant) on November 18, 2021 for waiver of certain requirements for the content of an application for authority to construct and operate an electric transmission line pursuant to Public Service Law Article VII.

The Applicant proposes building an approximately five and a half mile underground 138 kV electric transmission facility from the Burns Substation to the West Nyack Substation in the unincorporated hamlets of Nanuet and West Nyack within the Town of Clarkstown, Rockland County, New York (Project).

As part of the Article VII process, the Applicants have moved for a waiver of Commission regulation 16 NYCRR § 86.3(b)(2) which requires submission of aerial photographs of “urban areas and urbanizing fringe areas” taken within six months of the date of filing an application. The Applicant states that it will submit aerial photographs taken in March and April of 2016 which it claims provide the most recent, high quality aerial imagery based on a review of the New York State Digital Orthoimagery Program data.

The Applicant also moves for waiver of 16 NYCRR § 88.4(a)(4), which requires appropriate system studies, including a system reliability impact study (SRIS). The Applicant states that the New York Independent System Operator (NYISO) has informed it that the Project does not meet the threshold requiring a SRIS or a System Impact Study (SIS).

The full text of the motion, the Certificate application, 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-T-0569SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-51-21-00016-P

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

Proposed Action: The Commission is considering the notice of intent of Astoria West, LLC to submeter electricity at 30-77 Vernon Boulevard, Queens, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by Astoria West, LLC on November 12, 2021, seeking authority to submeter electricity at a new market rate and income-based rental building located at 30-77 Vernon Boulevard, Queens, New York, located in the service territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the notice of intent, Astoria West, LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is permitted so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(21-E-0559SP1)

Department of State

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

General Administration Relating to the Division of Licensing Services

I.D. No. DOS-51-21-00004-EP

Filing No. 1222

Filing Date: 2021-12-07

Effective Date: 2021-12-07

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

Proposed Action: Addition of Part 159 to Title 19 NYCRR.

Statutory authority: Executive Law, section 91

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

Specific reasons underlying the finding of necessity: On March 7, 2020,

Executive Order Number 202 was issued declaring a state disaster emergency for the entire State of New York, relating to the COVID-19 pandemic. On June 24, 2021, the state disaster declaration was terminated. During the state of emergency, approved providers were authorized to offer education remotely, as in-person education was significantly reduced or restricted. Notwithstanding termination of the disaster declaration, the COVID-19 virus has continued to impact the State, requiring the continuation of innovative solutions, including new remote options. For example, on September 2, 2021, Governor Kathy Hochul signed into Law Chapter 417 of the Laws of 2021 which, in part, authorizes most public bodies "to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

In consideration of the ongoing COVID-19 pandemic and the impact it imposes on Department approved educational providers, the Department finds that it is necessary to adopt this rule on an emergency basis for the preservation of the public health, safety, and general welfare. Specifically, by granting schools the discretion to offer mandated educational courses remotely, the rule will ensure that those regulated by the Department can continue to receive important education while simultaneously offering schools and student safe learning environments (i.e., remote options) to help curb the spread of the COVID-19 virus.

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

Subject: General Administration Relating to the Division of Licensing Services.

Purpose: To give approved educational providers the option of offering mandatory course work virtually.

Text of emergency/proposed rule: A new Part 159 is added to Chapter V, prior to Subchapter A, of Title 19 NYCRR to read as follows:

Part 159. Administration Relating to the Division of Licensing Services
Section 159.1 Live Distance Offerings

(a) Definitions. As used in this section, the following terms shall have the following meanings:

(1) "Approved instructor" means a person authorized, pursuant to applicable law, to provide personal instruction to students for the purpose of satisfying: educational requirements leading to an original license, certification, or registration issued by the Division; or continuing educational requirements leading to a renewal license, certification, or registration issued by the Division.

(2) "Approved entity" means any entity, authorized pursuant to applicable law: to offer educational courses or enroll students in such educational courses leading to an original license, certification, or registration issued by the Division; or to offer continuing educational courses or enroll students in such courses for the purpose of satisfying continuing educational requirements leading to a renewal license, certification, or registration by the Division.

(3) "Division" means the Division of Licensing Services of the Department of State.

(4) "Live distance education" means providing instruction, in real-time, where the approved instructor and the students are physically separated, but the use of remote technology allows each person participating in the educational program to view and communicate with each other in a live and interactive manner that transmits simultaneous live audio and video.

(5) "Live distance examination" means offering a proctored examination where the students and proctor are physically separated, but the use of remote technology allows each person participating in the examination to view and communicate with each other in a live and interactive manner that transmits simultaneous live audio and video.

(b) Unless otherwise expressly prohibited by law, an approved entity may, subject to the provisions in this subdivision and following approval by the Division, offer live distance education.

(1) Live distance education shall not be offered for segments of a course that require practical, in-person, or hands-on-learning.

(2) Prior to offering a live distance education course, an approved entity shall apply and disclose to the Division, on a form provided by the Division the following:

(i) a detailed description of the technology used, that the approved entity will rely upon, to provide live distance education, which must contain simultaneous live audio and video instruction;

(ii) a detailed description of the methods used, that the approved entity will rely upon, to ensure active participation by students;

(iii) a detailed description of the methods used, that the approved entity will rely upon, to verify the identity of students enrolled in an approved course of study;

(iv) a detailed description of the methods used to obtain a signed

certification from each enrolled student evidencing that the student participated in the instruction;

(v) a detailed description of the instructions that will be provided to students to ensure that such students comprehend how to participate in a live distance course;

(vi) a detailed description of the methods used that the approved entity will rely upon to ensure the privacy and security of student records, and

(vii) such other information as the Division finds appropriate.

(c) An approved entity, that is approved to offer live distance education may also, subject to the provisions in this subdivision and following approval by the Division, offer live distance examinations.

(1) Live distance examinations shall not be offered to test segments of, or relating, to a course that requires practical, in-person, or hands-on-learning.

(2) Prior to offering live distance examinations, an approved entity shall apply and disclose to the Division, on a form provided by the Division the following:

(i) a detailed description of the technology used, that the approved entity will rely upon, to provide the examination, which must contain simultaneous live audio and video instruction;

(ii) a detailed description of the methods used, that the approved entity will rely upon, to ensure active participation by students and measures to detect and prevent fraud;

(iii) a detailed description of the methods used, that the approved entity will rely upon, to verify the identity of students taking a live distance proctored examination;

(iv) a detailed description of the methods used that the approved entity will rely upon to ensure the privacy and security of student examination records, and

(v) such other information as the Division finds appropriate.

(3) An approved entity that is approved to offer live distance education but does not satisfy the provisions in this subdivision shall not provide live distance examinations.

(d) Every approved entity that elects to offer live distance education shall, in addition to existing requirements imposed by applicable law, retain a record of each student's participation in and completion of the live distance learning program for a period of five years, and such records must be available for review and inspection by the Division. Each approved entity that elects to provide live distance education shall ensure that each location where an approved instructor is providing instruction is appropriate, free of distraction, and conducive to learning.

(e) A duly authorized designee of the Division may audit any course of the course at any time during its presentation or thereafter.

(f) The Division may deny, suspend, or revoke the approval or renewal of a live distance education course, live distance examination authorization, or the authorization of an approved entity, if it is determined following a hearing, that they are not in compliance with applicable law and rules, or if the course or examination does not adequately reflect, present, or test the approved curriculum.

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 March 6, 2022.

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

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

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

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

Regulatory Impact Statement

1. Statutory authority:

Section 91 of the New York Executive Law provides: “[s]ubject to and in conformity with the provisions of the constitution and laws of the state, the secretary of state may adopt and promulgate such rules which shall regulate and control the exercise of the powers of the department of state and the performance of the duties of officers, agents and other employees thereof.”

2. Legislative objectives:

The Department of State is responsible for, among other things, the regulation and licensing of numerous occupations throughout the state. Each of these occupations are established pursuant to their own enabling statutes of which many require qualifying and/or continuing education. These requirements have been imposed to ensure that those that seek licensure are qualified throughout their occupational career.

3. Needs and benefits:

This purpose of this rule is to allow providers, at their option, to offer many of the same educational courses, in a similar format, that were offered during the declared state of emergency during the COVID-19 pandemic. During the state of emergency educational providers were authorized to teach already approved courses remotely as many educational providers were required to reduce capacity or not permitted to meet for in-person instruction. Following the termination of the COVID-19 emergency declaration the Department has received numerous requests from industry representatives and constituents to enact this regulation as remote learning was not an available option for many of the license types issued by the Department. Accordingly, the rulemaking is needed to ensure continuity of education as many within the industry have explained that some schools and faculty have found it difficult to ensure adequate training while attempting to curb the spread of COVID-19. Accordingly, this rule will benefit educational providers and students.

4. Costs:

a. Costs to regulated parties:

The Department anticipates that there will be no significant costs resulting from the implementation of the rule. Prior to this rule many schools were already providing remote education pursuant to a previously issued emergency executive order. As such, those providers that opt-in to offer remote education are likely to already have the necessary technology to comply with the rule. Additionally, the Department is aware that there are numerous commercially available products available to providers that range in monthly costs from \$14.99 to \$19.99.

b. Costs to the Department of State:

The rule does not impose any costs to the agency, the state or local governments for the implementation and continuation of the rule. Existing Department staff will be able to implement the requirements of this rule.

5. Local government mandates:

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

6. Paperwork:

Providers are already required to apply to the Department prior to providing education. This rule offers those providers the option of also providing the same instruction remotely by disclosing additional information to the Department. Providers that desire to offer remote education will have to complete an application form that the Department will make available. Providers that do not opt-in to provide remote education will have no new or additional paperwork requirements.

7. Duplication:

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

8. Alternatives:

The Department considered not proposing the rule but determined that offering remote learning would benefit many industries under the Department's jurisdiction. The Department also considered permitting approved entities to provide remote learning without applying for such approval but determined that a rule was needed to ensure the integrity of remote learning.

9. Federal standards:

This rule does not exceed any existing federal standard pertaining to disclosure and/or instruction.

10. Compliance schedule:

The rule is being proposed as an emergency rule with notice of proposed. Accordingly, the rule will go into effect immediately to allow providers to take advantage of this rule as soon as possible. Providers that do not want to offer remote learning will not have to comply with the rule.

Regulatory Flexibility Analysis and Rural Area Flexibility Analysis

This rule does not require a Regulatory Flexibility Analysis or Rural Area Flexibility Analysis. As evident from the purpose of the rule, it will not impose any adverse impact on small businesses, local governments, or public or private entities, including those in rural areas of the state. Additionally, the rule will not impose any mandatory reporting, record keeping or other compliance requirements on those impacted by the rule. The New York State Department of State (the “Department”) does not expect any person to be negatively impacted by the adoption of this rule because it will provide greater flexibility to educational providers and students to satisfy non-discretionary educational requirements. Further, since the rule is discretionary, it will not impose any new mandates on providers or students.

The rule provides that entities already approved by the Department to offer education, at their choosing and subject to reasonable restrictions, may offer the same education remotely to students. Further, the rule will also allow such educational providers, at their choosing and subject to reasonable restrictions, to offer final examinations remotely. Accordingly, schools that do not desire to offer remote learning will not need to comply with this rule.

Additionally, the Department does not anticipate that any person will be adversely affected by the rule, as many industry providers have requested

the Department to propose the instant rule. During the COVID-19 state of emergency, approved providers were authorized to offer education remotely, as in-person education was significantly reduced or restricted. This rule seeks to allow providers, at their option, to offer many of the same educational courses, in a similar format, that were offered during the state of emergency.

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

Job Impact Statement

A Job Impact Statement is not required for these regulations, because it is apparent from the nature and the purpose of the regulations that they will not have a substantial adverse impact on jobs or employment opportunities in either the public or private sectors. The regulations provide that entities already approved by the Department to offer education, at their choosing and subject to reasonable requirements, may offer the same education remotely to students. Further, these regulations will also allow such educational providers, at their choosing and subject to reasonable requirements, to offer final examinations remotely. The Department finds that by expanding educational opportunities to students, these regulations will have positive effects on jobs and employment opportunities, as it will become easier for students to complete mandated education. Accordingly, the Department finds that a job impact statement is not required.

Office of Temporary and Disability Assistance

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Elderly Simplified Application Project (ESAP) for the Supplemental Nutrition Assistance Program (SNAP)

I.D. No. TDA-51-21-00002-EP

Filing No. 1217

Filing Date: 2021-12-01

Effective Date: 2021-12-01

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

Proposed Action: Amendment of sections 387.1, 387.9(a)(3) and 387.22; addition of section 387.26 to Title 18 NYCRR.

Statutory authority: 7 United States Code, ch. 51(generally), sections 2011, 2013, 2026; Social Services Law, sections 17(a)-(b), (k), 20(3)(d) and 95

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

Specific reasons underlying the finding of necessity: It is critically important that the regulatory amendments to 18 NYCRR §§ 387.1, 387.9 and 387.22 and the addition of new § 387.26 be adopted on December 1, 2021. The regulatory amendments implement the Elderly Simplified Application Project (ESAP), which is a federal demonstration project designed to streamline the application, recertification, and verification processes for the Supplemental Nutrition Assistance Program (SNAP) for eligible elderly and/or disabled individuals in New York State (NYS). The ESAP's scheduled implementation date is December 1, 2021.

The Office of Temporary and Disability Assistance (OTDA) finds that it is necessary for the preservation of the general welfare that these regulatory amendments be adopted on an emergency basis, as authorized by the State Administrative Procedure Act (SAPA) § 202(6). As a result of the 2019 Novel Coronavirus (COVID-19) pandemic and its resulting supply chain issues, the availability and expense associated with securing nutritious food have become increasingly daunting for SNAP-eligible households, particularly those with elderly and/or disabled members; consequently, it is critically important for OTDA to protect the nutrition security of these vulnerable NYS residents by improving and streamlining their access to SNAP benefits through the reduction of certain program eligibility burdens. As discussed below, the regulatory amendments are designed for this express purpose.

The regulatory amendments add a new § 387.1(n) to include a definition of the ESAP, make updates to §§ 387.9 and 387.22, and add a new § 387.26 specifically setting forth the rights and responsibilities of ap-

plicants for and participants in the demonstration project. The regulatory amendments implement this new demonstration project, which is designed to simplify the SNAP eligibility process for certain elderly and/or disabled residents in NYS. Upon implementation, all new applications and recertifications will undergo screening to determine household eligibility to participate in the ESAP.

ESAP-eligible households will benefit from the participation in the demonstration project in several ways. A shortened and simplified application has been designed for use at initial application and will be distributed for use at recertification. As with participants in another demonstration project, the New York State Combined Application Project (NYSCAP) – which has a similar purpose but is limited in scope to individuals who are in receipt of Supplemental Security Income and determined by the Social Security Administration to be “live alone” – ESAP-participating households will be eligible for a certification period of up to 36 months. Such households will not be required to complete a periodic report, but instead will receive a non-mandatory Interim Report via the mail at the midway point of their certification period. Additionally, under the ESAP, many households will be able to complete the recertification process without a recertification interview.

The ESAP also reduces the administrative burden borne by social services districts (districts) by extending the length of participating households' certification periods as well as removing the periodic reporting and recertification interview requirements previously applicable to those households. The ESAP operates on a presumption that household circumstances for project participants remain relatively stable; therefore, by leveraging existing computer matching arrangements and reducing household reporting requirements, the ESAP reduces the frequency of administrative action on the part of districts in order to administer SNAP benefits to participating individuals. In summary, the regulatory amendments will: (1) assist potential participants by setting forth eligibility requirements that households must satisfy to be eligible for ESAP enrollment, as well as clarifying criteria that would render any household ineligible for participation in the ESAP; (2) provide guidance concerning the rights and responsibilities of ESAP applicants and participants; and (3) provide guidance to districts pertaining to their responsibilities to screen for eligibility and otherwise administer benefits to households eligible for participation in the ESAP.

It is noted that the regulatory amendments are being promulgated pursuant to a combined Notice of Emergency Adoption and Proposed Rule Making, instead of a Notice of Proposed Rule Making, due to time constraints. It would not be feasible for OTDA to promulgate the regulatory amendments via a Notice of Proposed Rule Making because the regulatory amendments would not be permanently adopted in time for the scheduled implementation of the ESAP on December 1, 2021. However, although these regulations are being promulgated on an emergency basis to preserve the general welfare, OTDA will receive public comments on its combined Notice of Emergency Adoption and Proposed Rule Making until 60 days after publication of this notice in the New York State Register.

Subject: Elderly Simplified Application Project (ESAP) for the Supplemental Nutrition Assistance Program (SNAP).

Purpose: To simplify the SNAP eligibility process for certain elderly and/or disabled residents in New York State.

Text of emergency/proposed rule: Part 387 of Title 18 NYCRR is amended to read as follows:

Subdivisions (n)–(as) of § 387.1 are relettered as subdivisions (o)–(at) and a new subdivision (n) is added to read as follows:

(n) *Elderly Simplified Application Project (ESAP) is a federally-approved demonstration project which streamlines the SNAP application, recertification and verification processes for eligible seniors and/or disabled individuals.*

Paragraph (3) of subdivision (a) of section § 387.9 is amended to read as follows:

(3) Student. To be eligible, students must meet the requirements for student status as defined in section 387.1((ee)) of this Part.

Section 387.22 is amended to read as follows:

§ 387.22 Referenced material. Material referenced in this Part is available for inspection and copying by contacting [the Food Stamp Bureau of the Division of Income Maintenance of the New York State Department of Social Services, 40 North Pearl Street, Albany, NY 12243.];

New York State Office of Temporary and Disability Assistance

Attn: Public Information Office

40 North Pearl Street

Albany, New York 12243

Email: nyspio@otda.ny.gov

A new § 387.26 is added to Title 18 NYCRR to read as follows:

§ 387.26 *Elderly Simplified Application Project (ESAP).*

The ESAP is a federally-approved demonstration project which streamlines the SNAP application, recertification and verification pro-

cesses for eligible seniors and/or disabled individuals. The operation of the ESAP, as set forth in this section, is subject to continued federal approval and funding.

(a) **Eligible Households.** Unless ineligible under subdivision (b) of this section, households eligible to participate in the ESAP are as follows:

Households in which all adult members are:

- (1) Age 60 or older and/or disabled; and,
- (2) Not in receipt of earned income.

(b) **Ineligible Households.** Households ineligible to participate in the ESAP are as follows:

(1) Households that are eligible to participate in the SNAP under the NYSNIP or the NYSCAP;

(2) Individuals residing in Group Living Facilities as defined in section 387.1 of this Part.

(3) Households in which any member is in receipt of ongoing public assistance as defined by Parts 369 and 370 of Title 18 NYCRR.

(4) Households not meeting the requirements of subdivision (a) of this section.

(c) **Shortened and Simplified Application.**

As part of the implementation process, a shortened and simplified SNAP application will be made available. In addition to availability for use at initial application, the application will be distributed with an ESAP-specific Notice of Expiration (NOE) to participating households at recertification.

(1) Use of the shortened and simplified application:

(i) The shortened and simplified application is intended for use by elderly and/or disabled SNAP applicants; however:

(a) Filing the shortened and simplified application is not a requirement for participation in the ESAP. An ESAP-eligible household may apply for SNAP using any currently available SNAP application and still be determined eligible for the ESAP;

(b) All SNAP applications, filed in accordance with section 387.5 of this Part, will be screened for ESAP eligibility as part of the eligibility determination process; and,

(c) ESAP-eligible households, regardless of which application is used at application, will be sent a notification of their eligibility for SNAP benefits under the ESAP.

(ii) There is no restriction on who may complete and submit the shortened and simplified application for consideration; however:

(a) Filing the shortened and simplified application does not, in and of itself, entitle an individual to participate in the ESAP; and

(b) Individuals who are determined ineligible for the ESAP after filing the shortened and simplified application are not entitled to receive notice thereof. Such applicants shall receive notification pursuant to section 387.20 of this Part.

(iii) If, upon screening, a shortened and simplified application is determined ineligible for the ESAP, the application must still be considered a SNAP application, and the application process must be completed in compliance with all SNAP application processing requirements as set forth in this Part.

(d) **Certification Period.** Certification period for individuals enrolled in the ESAP.

(1) Individuals found eligible for the SNAP and participating in the ESAP shall receive a certification period of up to 36 months.

(2) An ESAP household determined ineligible for continuing participation in the ESAP during their certification period but remaining eligible for the SNAP shall not have their certification period shortened.

(e) **Recertification.** Recertification process for households enrolled in the ESAP.

All SNAP households enrolled under the ESAP shall be required to apply for continued participation in the SNAP prior to the end of their certification in accordance with section 387.17(f) of this Part, with the following exceptions:

(1) Along with an ESAP-specific NOE, ESAP-participating households will receive the shortened and simplified application.

(2) Recertification interviews will not be required for every recertification application.

(3) No recertification application may be denied without first attempting to schedule a recertification interview; however, the social services district need not make an effort to schedule an interview unless a recertification application has first been filed. Upon receipt of a recertification application submitted by an ESAP-participating household, an interview will only be required in the following situations:

(i) If the recertification application would be denied;

(ii) If information on the recertification application is questionable; or

(iii) Upon request by the ESAP-participating household.

(f) **Reporting Requirements.** Reporting requirements for households enrolled in the ESAP.

All households enrolled in the ESAP will be considered simplified reporters, and subject to the reporting rules as set forth in section 387.17(d) of this Part, with the following exceptions:

(1) Households are not required to submit a periodic report. At the midway point of the certification period, a contact letter will be sent to the household, which will:

(i) Include a non-mandatory Interim Report, affording the household an opportunity to update their case information; and,

(ii) Instruct the household that any reported change resulting in an increased SNAP benefit must be documented and verified in accordance with subdivision (g) of this section.

(2) In addition to the simplified reporting requirements, households are required to report:

(i) Any change in household composition;

(ii) If any member of the household begins to receive earned income; or

(iii) If any member of the household has substantial lottery and/or gambling winnings, as defined in applicable federal rules and regulations.

(g) **Verification.** Verification requirements under the ESAP.

(1) In order to ease the household burden of providing verification, social services districts may, to the extent possible, use computer matching to verify information related to current household circumstances such as:

(i) Details concerning the household's gross nonexempt income, namely:

(a) The amount of unearned income; and,

(b) Whether all sources of household income are unearned.

(ii) Social Security Number;

(iii) Date of Birth;

(iv) Death;

(v) Residency;

(vi) Identity; and

(vii) Medical Expenses.

(2) All ESAP participants shall be permitted to self-declare expenses for standard utility allowances and other shelter expenses.

(3) Any other information that is required to be verified but is not able to be verified by computer matching shall be subject to the SNAP verification requirements as set forth in section 387.8 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 28, 2022.

Text of rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., Office of Temporary and Disability Assistance, 40 North Pearl Street, 16C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

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

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

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

Regulatory Impact Statement

1. Statutory authority:

The Supplemental Nutrition Assistance Program (SNAP) is authorized by Chapter 51 of Title 7 of the United States Code (USC). Pursuant to 7 USC § 2011, the SNAP promotes the general welfare and safeguards the health and well-being of the nation's population by raising levels of nutrition among low-income households. Pursuant to 7 USC § 2013, the United States Department of Agriculture (USDA) is authorized to administer the federal SNAP, under which, at the request of the state agency, eligible households within the State are provided an opportunity to obtain SNAP benefits.

7 USC § 2026 provides that the USDA may grant a state agency approval to conduct a demonstration project in order to, in part, "test program changes that might increase the efficiency of the SNAP" and may waive any program requirements necessary for conducting the demonstration project. The proposed Elderly Simplified Application Project (ESAP), as codified in new 18 NYCRR § 387.26, is a federal demonstration project designed to streamline the application, recertification, and verification processes for eligible elderly and/or disabled individuals. SNAP recipients participating in the ESAP, as well as social services districts (districts) administering the SNAP, are obligated to adhere to the ESAP requirements as outlined in the New York State (NYS) waiver approved by the USDA for as long as the Office of Temporary and Disability Assistance

(OTDA) is authorized to operate the demonstration project or until directed to cease operations by the USDA. ESAP is contingent on continued federal approval because of its demonstration project status. The ESAP's scheduled implementation date is December 1, 2021.

Social Services Law (SSL) § 17(a)-(b) and (k) provide, in part, that the Commissioner of OTDA shall "determine the policies and principles upon which public assistance, services and care shall be provided within the state both by the state itself and by the local governmental units ..." shall "make known his policies and principles to local social services officials and to public and private institutions and welfare agencies subject to his regulatory and advisory powers..." and shall "exercise such other powers and perform such other duties as may be imposed by law."

SSL § 20(3)(d) authorizes OTDA to promulgate regulations to carry out its powers and duties.

SSL § 95 authorizes OTDA to administer the SNAP in NYS and to perform such functions as may be appropriate, permitted, or required by or pursuant to federal law.

2. Legislative objectives:

It was the intent of the Legislature in enacting the above statutes that OTDA establish rules, regulations, and policies, for the provision of SNAP benefits to eligible households in NYS in the most efficient, streamlined manner possible. The ESAP not only serves to streamline the SNAP eligibility process, thereby protecting the nutrition security of a significant number of vulnerable NYS residents, but also reduces the administrative burdens borne by State and local governments.

3. Needs and benefits:

OTDA finds that it is necessary for the preservation of the general welfare that these regulatory amendments be adopted on an emergency basis, as authorized by the State Administrative Procedure Act (SAPA) § 202(6). As a result of the 2019 Novel Coronavirus (COVID-19) pandemic and its resulting supply chain issues, the availability and expense associated with securing nutritious food have become increasingly daunting for SNAP-eligible households, particularly those with elderly and/or disabled members; consequently, it is critically important for OTDA to protect the nutrition security of these vulnerable NYS residents by improving and streamlining their access to SNAP benefits through the reduction of certain program eligibility burdens. As discussed below, the regulatory amendments are designed for this express purpose.

The regulatory amendments add a new § 387.1(n) to include a definition of the ESAP, and add a new § 387.26 specifically setting forth the rights and responsibilities of applicants for and participants in the demonstration project. The regulatory amendments implement this new demonstration project, which is designed to simplify the SNAP eligibility process for certain elderly and/or disabled residents in NYS. Upon implementation, all new applications and recertifications will undergo screening to determine household eligibility to participate in the ESAP.

ESAP-eligible households will benefit from the participation in the demonstration project in several ways. A shortened and simplified application has been designed for use at initial application and will be distributed for use at recertification. As with participants in another demonstration project, the New York State Combined Application Project (NYSCAP) – which has a similar purpose but is limited in scope to individuals who are in receipt of Supplemental Security Income and determined by the Social Security Administration to be "live alone" – ESAP-participating households will be eligible for a certification period of up to 36 months. Such households will not be required to complete a periodic report, but instead will receive a non-mandatory Interim Report via the mail at the midway point of their certification period. Additionally, under the ESAP, many households will be able to complete the recertification process without a recertification interview.

The ESAP also reduces administrative burden borne by districts by virtue of extending the length of participating households' certification periods as well as removing the periodic reporting and recertification interview requirements previously applicable to those households. The ESAP operates on a presumption that household circumstances for project participants remain relatively stable; therefore, by leveraging existing computer matching arrangements and reducing household reporting requirements, the ESAP reduces the frequency of administrative action on the part of districts in order to administer SNAP benefits to participating individuals. In summary, the regulatory amendments will: (1) assist potential participants by setting forth eligibility requirements that households must satisfy to be eligible for ESAP enrollment, as well as clarifying criteria that would render any household ineligible for ESAP enrollment; (2) provide guidance concerning the rights and responsibilities of ESAP applicants and participants; and (3) provide guidance to districts pertaining to their responsibilities to screen for eligibility and otherwise administer benefits to households eligible for participation in the ESAP.

The regulatory amendments also make two technical changes. A cross reference to the SNAP definitions is updated in 18 NYCRR § 387.9, and

the OTDA contact information to obtain referenced materials is updated in 18 NYCRR § 387.22.

4. Costs:

The regulatory amendments will have no adverse fiscal impact upon ESAP-participating households; to the contrary, the regulatory amendments will improve and streamline access to benefits by reducing certain program-eligibility burdens. Participants are entitled to the same amount of SNAP benefits under the ESAP as they are under standard SNAP eligibility rules.

Further, the regulatory amendments will not impose any new costs or significant administrative burdens upon districts. All districts are required to administer the SNAP in compliance with state and federal statutes and regulations governing the program, and any associated costs are eligible for administrative reimbursement under current practice and methodologies.

The development costs associated with the ESAP are incurred at the state level and can be managed within existing resources. The regulatory amendments will not impose any annual costs upon the State, as the demonstration project will be implemented utilizing existing program resources and technological infrastructure.

5. Local government mandates:

The regulatory amendments do not impose additional government mandates.

6. Paperwork:

The regulatory amendments are specifically designed to reduce and simplify paperwork requirements as compared to standard SNAP processes for eligible households. A shortened and simplified application has been created for use by eligible households in place of the standard SNAP application for initial eligibility and at recertification. Under the ESAP, both the periodic reporting requirement and the requirement to complete a recertification interview for many participating households are eliminated. For districts, although there will be an initial introduction of new paperwork with the requirement to screen all SNAP applications for ESAP eligibility, the impact of this change will be modest, given the limited number of screening factors, and will be offset by the efficiency improvements noted above. At the state level, under the ESAP, OTDA is required to submit an annual report to the USDA to monitor the efficacy and cost-neutrality of the demonstration project; however, this requirement falls within the OTDA's standard scope of responsibilities in the administration of the SNAP and would not require additional administrative resources to satisfy.

7. Duplication:

The regulatory amendments do not duplicate, overlap, or conflict with any existing state or federal statutes or regulations.

8. Alternatives:

An alternative to the regulatory amendments would be to refrain from adopting them and retain the existing state regulations. However, OTDA does not consider this a preferred alternative, insofar as elderly and disabled SNAP recipients in NYS, as well as districts, both stand to benefit from implementation of the ESAP as outlined in the NYS waiver approved by the USDA and from adoption of the regulatory amendments. Moreover, in consideration of the COVID-19 pandemic and the resulting supply chain issues, it is critically important for OTDA to protect the nutrition security of these vulnerable NYS residents by improving and streamlining their access to SNAP benefits through the reduction of certain program eligibility burdens, specifically, through the promulgation of the regulatory amendments.

9. Federal standards:

The regulatory amendments do not conflict with standards of the Federal Government.

10. Compliance schedule:

The regulatory amendments take effect on December 1, 2021, concurrent with the implementation date of the ESAP. Districts will be expected to screen all new applications and recertifications with budget effective dates of December 1, 2021 or later for ESAP eligibility. The shortened and simplified application, LDSS-5166 (Rev. 9/20), designed for use with the ESAP was originally released in October 2020 via Administrative Directive Memorandum (ADM) 20-ADM-14, New SNAP-Only Application Form. Following the ADM's release, OTDA addressed general comments and inquiries from districts related to the application. Prior to implementation, OTDA conducted a series of implementation webinars on October 12, 2021; additionally, a self-directed, internet-based ESAP training for district workers is currently under development. This training is designed to inform district workers about ESAP policy and procedures, to promote effective worker communication with elderly and/or disabled individuals, and to increase understanding of barriers to participation encountered by the target population. On October 8, 2021, Automated Budgeting and Eligibility Logic (ABEL) Transmittal 21-5 was distributed, detailing budgeting rules and system logic for ESAP implementation for districts outside of New York City (NYC). Similarly, Workload Management

Requests (WLM) 2020-00034 and 2021-00237 detail budgeting rules and system logic for ESAP implementation in NYC. A comprehensive ADM detailing the rules and required actions for the ESAP is also forthcoming. OTDA has placed significant emphasis on utilizing existing resources to automate many of the changes accompanying ESAP implementation, and for that reason, OTDA anticipates that the districts will be able to fully comply with the regulatory amendments by the date these regulatory amendments are implemented. Nevertheless, OTDA is committed to working with the districts after the December 1, 2021 implementation date of the ESAP to assist districts, through whatever means necessary, to resolve related post-implementation ESAP-related issues and questions that may arise.

Regulatory Flexibility Analysis

1. Effect of rule:

The regulatory amendments will have no effect on small businesses. However, the regulatory amendments will benefit the 58 social services districts (districts) in the State by updating state regulations to implement the Elderly Simplified Application Project (ESAP), a new federally-approved Supplemental Nutrition Assistance Program (SNAP) demonstration project.

2. Compliance requirements:

The regulatory amendments will not impose any significant reporting, recordkeeping or other compliance requirements on the districts. The ESAP allows certain households comprised of elderly and/or disabled adults without earned income to utilize a shortened and simplified application for initial eligibility and recertification processes, extends the maximum certification period length for eligible households to 36 months, reduces reporting and verification requirements, and enables many eligible households to forego a recertification interview. The regulatory amendments reduce and simplify reporting, recordkeeping and compliance requirements as compared to the standard SNAP eligibility process.

Districts will be required to screen all new applications and recertifications for eligibility to participate in the ESAP, but there will be no new paperwork or reporting tools introduced with this requirement. Additionally, there are very few factors that need to be evaluated in order to determine eligibility for the ESAP, and computer system modifications have been designed to assist the districts with identifying potentially eligible households when coding new cases. Furthermore, this change does not represent a new requirement, as the districts are already required to administer SNAP in compliance with the federal statutes and regulations governing the program. The Office of Temporary and Disability Assistance (OTDA) anticipates that the impact of the regulatory amendments will be modest, and offset by the efficiency improvements noted above.

3. Professional services:

The regulatory amendments will not require districts to hire additional professional services to achieve compliance.

4. Compliance costs:

The regulatory amendments will not impose any new costs on the districts, which are already serving the ESAP-eligible population in the course of standard administration of the SNAP. For the eligible population, the ESAP will streamline the SNAP eligibility process and improve efficiency. All districts are required to administer SNAP in compliance with the State and federal statutes and regulations governing the program, and any associated costs are eligible for administrative reimbursement under current practice and methodologies. The development costs associated with the ESAP are incurred at the state level.

5. Economic and technological feasibility:

Districts have the economic and technological abilities to comply with the regulatory amendments.

6. Minimizing adverse impact:

The regulatory amendments will not have an adverse impact on the districts. The ESAP represents a modest easing of several program requirements as compared to standard SNAP rules for a specific population in New York State. For example, the waiver of these rules allows for project-specific changes such as the 36-month certification period and the elimination of the recertification interview requirement. The ESAP will, in fact, reduce administrative burden on the districts by reducing the number of traditional applicants, simplifying recertifications, eliminating the recertification interview, extending certification periods beyond the federally-allowed maximum length, and limiting the amount of required paperwork. Based upon the anticipated streamlining and efficiency improvements resulting from the ESAP, OTDA asserts that the regulatory amendments represent a positive program enhancement, the benefits of which will inure to eligible SNAP participants and districts alike.

7. Small business and local government participation:

The shortened and simplified application, LDSS-5166 (Rev. 9/20), designed for use with the ESAP was originally released in October 2020 via Administrative Directive Memorandum (ADM) 20-ADM-14, New SNAP-Only Application Form. Following the ADM's release, OTDA addressed general comments and inquiries from districts related to the

application. Prior to implementation, OTDA conducted a series of implementation webinars on October 12, 2021; additionally, a self-directed, internet-based ESAP training for district workers is currently under development. This training is designed to inform district workers about ESAP policy and procedures, promote effective worker communication with elderly and/or disabled individuals and increase understanding of barriers to participation encountered by the target population. On October 8, 2021, Automated Budgeting and Eligibility Logic (ABEL) Transmittal 21-5 was distributed, detailing budgeting rules and system logic for ESAP implementation for districts outside of New York City (NYC). Similarly, Workload Management Requests (WLM) 2020-00034 and 2021-00237 detail budgeting rules and system logic for ESAP implementation in NYC. A comprehensive ADM detailing the rules and required actions for the ESAP is also forthcoming. OTDA has placed significant emphasis on utilizing existing resources to automate many of the changes implemented by the ESAP, and for that reason, OTDA anticipates a straightforward initial implementation period. Nevertheless, OTDA is committed to working with the districts after the December 1, 2021 implementation date of the ESAP to assist districts, through whatever means necessary, to resolve related post-implementation ESAP-related issues and questions that may arise.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The regulatory amendments will benefit the 44 rural social services districts (rural districts) in the State by updating state regulations to implement the Elderly Simplified Application Project (ESAP), a new federally-approved Supplemental Nutrition Assistance Program (SNAP) demonstration project.

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

The regulatory amendments will not impose any new reporting, recordkeeping or other compliance requirements on the rural districts. The rural districts will not need to hire additional professional services to comply with the regulatory amendments. The ESAP allows certain households comprised of elderly and/or disabled adults without earned income to utilize a shortened and simplified application for initial eligibility and recertification processes, extends the maximum certification period length for eligible households to 36 months, reduces reporting and verification requirements, and enables many eligible households to forego a recertification interview. The regulatory amendments reduce and simplify reporting, recordkeeping and compliance requirements as compared to the standard SNAP eligibility process.

Rural districts will be required to screen all new applications and recertifications for eligibility to participate in the ESAP, but there will be no new paperwork or reporting tools introduced with this requirement. Additionally, there are very few factors that need to be evaluated in order to determine eligibility for the ESAP, and computer system modifications have been designed to assist rural districts with identifying potentially eligible households when coding new cases. Furthermore, this change does not represent a new requirement, as rural districts are already required to administer SNAP in compliance with the federal statutes and regulations governing the program. The Office of Temporary and Disability Assistance (OTDA) anticipates that the impact of the regulatory amendments will be modest, and offset by the efficiency improvements noted above.

3. Costs:

The regulatory amendments will not impose any new costs on rural districts, which are already serving the ESAP-eligible population in the course of standard administration of the SNAP. For the eligible population, the ESAP will streamline the SNAP eligibility process and improve efficiency. All districts are required to administer SNAP in compliance with the State and federal statutes and regulations governing the program, and any associated costs are eligible for administrative reimbursement under current practice and methodologies. The development costs associated with ESAP are incurred at the State level.

4. Minimizing adverse impact:

The regulatory amendments will not have an adverse impact on the rural districts. The ESAP represents a modest easing of several program requirements as compared to standard SNAP rules for a specific population in New York State. For example, the waiver of these rules allows for project-specific changes such as the 36-month certification period and the elimination of the recertification interview requirement. The ESAP will, in fact, reduce administrative burden on the rural districts by reducing the number of traditional applicants, simplifying recertifications, eliminating the need to interview at recertification, extending certification periods beyond the federally allowed maximum length, and limiting the amount of required paperwork. Based upon the anticipated streamlining and efficiency improvements resulting from the ESAP, OTDA asserts that the regulatory amendments represent a positive program enhancement, the benefits of which will inure to eligible SNAP participants and rural districts alike.

5. Rural area participation:

The shortened and simplified application, LDSS-5166 (Rev. 9/20), designed for use with the ESAP was originally released in October 2020 via Administrative Directive Memorandum (ADM) 20-ADM-14, New SNAP-Only Application Form. Following the ADM's release, OTDA addressed general comments and inquiries from rural districts related to the application. Prior to implementation, OTDA conducted a series of implementation webinars on October 12, 2021; additionally, a self-directed, internet-based ESAP training for rural district workers is currently under development. This training is designed to inform rural district workers about ESAP policy and procedures, promote effective worker communication with elderly and/or disabled individuals and increase understanding of barriers to participation encountered by the target population. On October 8, 2021, Automated Budgeting and Eligibility Logic (ABEL) Transmittal 21-5 was distributed, detailing budgeting rules and system logic for ESAP implementation for districts outside of New York City (NYC). Similarly, Workload Management Requests (WLM) 2020-00034 and 2021-00237 detail budgeting rules and system logic for ESAP implementation in NYC. A comprehensive ADM detailing the rules and required actions for the ESAP is also forthcoming. OTDA has placed significant emphasis on utilizing existing resources to automate many of the changes implemented by the ESAP, and for that reason, OTDA anticipates a straightforward initial implementation period. Nevertheless, OTDA is committed to working with the rural districts after the December 1, 2021 implementation date of the ESAP to assist rural districts, through whatever means necessary, to resolve related post-implementation ESAP-related issues and questions that may arise.

Job Impact Statement

A JIS is not required for the regulatory amendments. The regulatory amendments to 18 NYCRR §§ 387.1, 387.9(a)(3), and 387.22 and addition of new § 387.26 update state regulations to implement the Elderly Simplified Application Project, which is a federal demonstration project designed to streamline the application, recertification, and verification processes for the Supplemental Nutrition Assistance Program (SNAP) for eligible elderly and/or disabled individuals in New York State. It is apparent from the nature and purpose of the regulatory amendments that they will not have a substantial adverse impact on jobs and employment opportunities in the State. The regulatory amendments will not substantively affect the jobs of employees at the State or social service district (district) level. Adoption of the regulatory amendments does not impose any new annual costs or significant administrative burdens upon the districts, as they are already required to administer the SNAP in compliance with the federal statutes and regulations governing the program.

Urban Development Corporation

NOTICE OF ADOPTION

Biodefense Commercialization Fund Program**I.D. No.** UDC-38-21-00001-A**Filing No.** 1220**Filing Date:** 2021-12-06**Effective Date:** 2021-12-22

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

Action taken: Addition of section 4255.4 to Title 21 NYCRR.**Statutory authority:** L. 2017, ch. 58, part TT**Subject:** Biodefense Commercialization Fund program.**Purpose:** To create the administrative processes for the Biodefense Commercialization Fund program.**Text or summary was published** in the September 22, 2021 issue of the Register, I.D. No. UDC-38-21-00001-EP.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Thomas Regan, New York State Department of Economic Development, 625 Broadway, Albany NY 12245, (518) 292-5123, email: thomas.regan@esd.ny.gov**Initial Review of Rule**

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

Workers' Compensation Board

NOTICE OF ADOPTION

DME Fee Schedule**I.D. No.** WCB-28-21-00008-A**Filing No.** 1223**Filing Date:** 2021-12-07**Effective Date:** 2021-12-22

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

Action taken: Amendment of section 442.2 of Title 12 NYCRR.**Statutory authority:** Workers' Compensation Law, sections 117 and 141**Subject:** DME Fee Schedule.**Purpose:** To correct codes and update DME fee schedule.**Text or summary was published** in the July 14, 2021 issue of the Register, I.D. No. WCB-28-21-00008-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Heather MacMaster, NYS Workers' Compensation Board, Office of General Counsel, 328 State Street, Schenectady NY 12305, (518) 486-9564, email: regulations@wcb.ny.gov**Initial Review of Rule**

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

Assessment of Public Comment

During the public comment period, the Board received four written comments, and one comment after the public comment period closed.

The Board received a comment from an individual expressing concern over the pricing for item E0731, stating the price in the proposal was well below reasonable pricing and should be increased. The Board believes that while the proposed price may be lower than the Medicare price, this pricing is sufficient and is in line with Medicaid price levels, so no change has been made in response to this comment.

The Board received a comment from an individual disagreeing with a weekly fee schedule at all and stating that the rates should be higher. The Board has carefully considered and developed the pricing and believes it is competitive, and that the fee schedule model is appropriate, so no change has been made in response to this comment.

The Board received a comment from an association opining that the proposal will increase challenges for individuals needing DME supplies, as well as disagreement with the weekly rates. Specifically, it was asserted that the association "... strongly opposes the proposed amendments to the NYS Workers' Compensation DME Fee Schedule and recommends that the Workers' Compensation Board maintain the current NYS Medicaid DME Fee Schedule and monthly rate structure. Any proposed changes, as recommended by the New York Workers' Compensation Board, are not sustainable and will result in decreased access to care for New Yorkers who depend on DME products and services across the State. ". Since the Board did benchmark the changes to the DME Fee Schedule with the NYS DME Fee Schedule, and they remain comparable, that should not be the basis for increased challenges for individuals needing DME supplies, and no changes have been made based on this comment.

This comment also expressed concern about gel pressure mattress (code E0196) having a weekly rental, and that the proposed pricing does not account for delivery costs and staff training. Because some of these mattresses can be reused, depending on the manufacturer's specific mattress and recommendation, and the purchase price (and therefore, rental price) is in line with both Medicare and Medicaid, no change has been made in response to this comment.

The Board received a comment from an individual expressing concerns about the proposed pricing, and stating he also submitted comments on the last proposal and still disagrees. The Board did review this individual's comments during the last proposal and this proposal, but the Board believes the pricing is competitive and appropriate, so no change has been made in response to this comment.

The comment received after the public comment period expired was

from a company requesting clarification as to whether the proposal also applies to supplies who provide DME through drop shipping or other distribution models. The previously adopted regulation concerning the DME fee schedule sets out the requirement to be a NYS Medicaid Enrolled Supplier in 12 NYCRR 442.2(3). The proposal being assessed here simply updates the fee schedule and does not address this requirement, so no change has been made in response to this comment.

The comment also expressed concern that the approval process to become a Medicaid enrolled provider is lengthy (nine months to a year) and that compliance by the proposed effective date would be impossible and requesting clarification about this requirement. The Board notes that the text of the regulation was changed in the previous adoption of the DME fee schedule to change the timeline for compliance with this requirement to six months from the effective date of the regulation to allow ample time for compliance. However, this is not within the scope of the current proposal which simply updated the DME fee schedule, so no change has been made in response to this comment.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Education Department		
EDU-48-21-00008-P.....	Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures	<p>Zoom—February 1, 2022, 12:00 p.m. Link: https://zoom.us/j/95291448709?pwd=S1E2a3pvRjYvZlQ0eHZKNFpOaTZ6dz09, Meeting ID: 952 9144 8709, Passcode: MTbs02</p> <p>Zoom—February 9, 2022, 5:00 p.m. Link: https://zoom.us/j/95132788304?pwd=QmVvaWxFZ2JaRi91bW1pTUxBZ2JHdz09, Meeting ID: 951 3278 8304, Passcode: 8p4dru</p> <p>Zoom—February 17, 2022, 9:00 a.m. Link: https://zoom.us/j/99029637239?pwd=eHcyaEdYRmY3SVFsMnNhdzdpdFZzdz09, Meeting ID: 990 2963 7239, Passcode: 8iqjHd</p>
Environmental Conservation, Department of		
ENV-51-21-00003-P.....	Environmental Remediation Programs	<p>Electronic Webinar—April 5, 2022, 2:00 p.m.</p> <p>Electronic Webinar—April 7, 2022, 5:30 p.m.</p> <p>Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 375 by December 22, 2021. The proposed regulations webpage for 6 NYCRR Part 375 may be accessed at: https://www.dec.ny.gov/regulations/propregulations.html</p> <p>Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9764 and leave a message for Jenn Dawson. Please provide your first and last name, address, and telephone number and reference the Part 375 public comment hearing.</p> <p>The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than March 22, 2022. The written request must be addressed to Deputy Commissioner, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to the Office of Hearings and Mediation Services at ohms@dec.ny.gov. Please include “Part 375 Public Comment Hearing” in the subject line.</p> <p>The public comment period for Part 375 is open until 8:00 p.m., April 21, 2022. Comments may be entered during the hearing, e-mailed to derweb@dec.ny.gov, or mailed to NYS DEC, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233, Attn: Jenn Dawson. Please include “Part 375 Comments” in the subject or memo line of the correspondence.</p>
Labor, Department of		
LAB-51-21-00007-P.....	Workplace Safety Committees	Location to be announced on Department of Labor website—February 9, 2022, 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.

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.

Action Pending Index**NYS Register/December 22, 2021**

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.
AUDIT AND CONTROL, DEPARTMENT OF			
AAC-51-21-00005-P	12/22/22	300.1 Regular interest; and rate of estimated future investment earnings 310.1 Mortality and service tables for valuation	To update the rate of estimated future investment earnings and the mortality and service tables used for valuation purposes.
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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-31-21-00005-P	08/04/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-31-21-00006-P	08/04/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-31-21-00007-P	08/04/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-40-21-00008-P	10/06/22	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-21-00009-P	10/06/22	Jurisdictional Classification	To delete positions from and classify positions in the exempt class.
CVS-40-21-00010-P	10/06/22	Jurisdictional Classification	To delete positions from and classify a position in the exempt class and to classify a position in the non-competitive class
CVS-40-21-00011-P	10/06/22	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-21-00012-P	10/06/22	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
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
CVS-49-21-00002-P	12/08/22	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-49-21-00003-P	12/08/22	Jurisdictional Classification	To delete positions from the exempt class
CVS-49-21-00004-P	12/08/22	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-49-21-00005-P	12/08/22	Jurisdictional Classification	To classify positions in the exempt class.

Action Pending Index**NYS Register/December 22, 2021**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-49-21-00006-P	12/08/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-49-21-00007-P	12/08/22	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
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-49-21-00001-P	12/08/22	Incarcerated Individual Correspondence Program	To further clarify facility mail processing procedures
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-42-21-00004-EP	10/20/22	Professional Policing Standards	Implementation of the "New York State Professional Policing Act of 2021"
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-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.
EDV-51-21-00006-P	12/22/22	Employee Training Incentive Program	To update the administrative process for the ETIP program
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-39-21-00008-EP	09/29/22	Flexibility for accountability requirements in response to the COVID-19 crisis.	To provide flexibility for accountability requirements in response to the COVID-19 crisis.
EDU-39-21-00009-P	09/29/22	General Unprofessional Conduct Provisions for the Design Professions and Continuing Education Requirements for the Profession.	To conform regulations with the requirements of Chapter 160 of the Laws of 2020 and to make technical corrections.
EDU-39-21-00010-P	09/29/22	Licensure Examination, Licensure by Endorsement and Continuing Education Requirements in the Profession of Pharmacy	To provide flexibility in determining acceptable licensure examinations and to add compounding continuing education requirements
EDU-39-21-00011-P	09/29/22	Removing References to Regional Accreditation.	To remove references to “regional accreditation” in the Rules of the Board of Regents and Commissioner’s regulations.
EDU-39-21-00012-P	09/29/22	Prohibits schools from filing a law suit against parents or guardians for unpaid meal fees.	To implement and conform Commissioner’s Regulations according to Chapter 315 of the Laws of 2021.
EDU-44-21-00008-EP	11/03/22	Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer COVID-19 Immunizations	To ensure greater access to immunizations against COVID-19, as permitted by Education Law § 6909.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ELECTIONS, STATE BOARD OF			
SBE-39-21-00003-P	09/29/22	Required Debates for Statewide Candidates Participating in the Public Campaign Finance Program	Outlines Debate Requirements for Statewide Candidates Participating in the Public Campaign Finance Program
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
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
ENV-49-21-00008-EP	12/08/22	Sanitary Condition of Shellfish Lands	To reclassify underwater shellfish lands to protect public health
ENV-49-21-00009-P	12/08/22	Freshwater fishing regulation simplification and clean-up	Eliminate unnecessary regulations, provide consistency and align regulations with actual management intent
ENV-51-21-00003-P	04/07/23	Environmental Remediation Programs	To amend 6 NYCRR Part 375, Environmental Remediation Programs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	..... exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	..... exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-40-21-00001-P	..... 10/06/22	Principle-Based Reserving	To update citation to the Valuation Manual to 2021 (instead of 2020) in Footnote 1 to Section 103.3(b)
DFS-42-21-00011-P	..... 10/20/22	DISCLOSURE REQUIREMENTS FOR CERTAIN PROVIDERS OF COMMERCIAL FINANCING TRANSACTIONS	To provide new disclosure rules for small business financings
DFS-44-21-00015-P	..... 11/03/22	Compliance With Community Reinvestment Act Requirements	To provide new rules concerning data collection on extension of credit to women-owned and minority-owned businesses.
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.
DFS-50-21-00016-P	..... 12/15/22	Debt Collection by Third-Party Debt Collectors and Debt Buyers	To clarify and modify standards for debt collection practices in New York
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

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HEALTH, DEPARTMENT OF			
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.
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
HLT-50-21-00001-EP	12/15/22	Prevention of COVID-19 Transmission by Covered Entities	To require covered entities to ensure their personnel are fully vaccinated against COVID-19 subject to certain exemptions.
HLT-50-21-00002-EP	12/15/22	Investigation of Communicable Disease; Isolation and Quarantine	Control of communicable disease.
HLT-50-21-00003-EP	12/15/22	Face Coverings for COVID-19 Prevention	To control and promote the control of communicable diseases to reduce their spread.
HLT-50-21-00004-EP	12/15/22	Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes (NH's) and Adult Care Facilities (ACF's)	To require NH's & ACF's to establish policies & procedures relating to personal caregiving & compassionate caregiving visitors.
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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LABOR, DEPARTMENT OF			
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
LAB-51-21-00007-P	02/09/23	Workplace Safety Committees	To comply with Labor Law 27-d(8) which requires that the Department adopt regulations.
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
LAW-49-21-00016-P	12/08/22	Charities regulatory framework and the use of gendered pronouns therein	Removal of all references to gender pronouns and replacing them with the neutral pronoun, "they" or "their"
LIQUOR AUTHORITY, STATE			
LQR-36-21-00002-P	11/10/22	Commencement of administrative disciplinary proceedings via electronic means	To modernize outdated administrative disciplinary procedures to provide for service of pleadings via electronic means
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.

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LONG ISLAND POWER AUTHORITY			
*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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
NFW-49-21-00010-EP	12/08/22	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet 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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
POWER AUTHORITY OF THE STATE OF NEW YORK			
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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service.	To determine if approving the DPS Staff's recommendations is in the public interest.
*PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.
*PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-51-20-00007-P	..... exempt	Whitepaper on the ACOS method used by utilities in developing Standby and Buyback Service rates.	To standardize the utility ACOS methods and resulting rates, and to enable stand-alone energy storage systems.
PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers.
PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-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-12-21-00009-P	..... exempt	Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.
PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding.	To ensure the appropriate use of funding reserved for gas safety programs.
PSC-13-21-00023-P	..... exempt	Petition for the use of steam metering equipment.	To ensure that consumer bills are based on accurate measurements of steam usage.
PSC-14-21-00003-RP	..... 04/07/22	More specific requirements for Operator Qualification to work on pipelines. Allows applications for "special permits."	To make the provision of natural gas service safer in New York State with better qualified pipeline workers.
PSC-15-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime.
PSC-16-21-00006-P	..... exempt	The appropriate level of community credit capacity for distributed energy generation projects in the territory.	Consideration of an increase in the community credit capacity for distributed generation projects in the territory.
PSC-16-21-00007-P	..... exempt	Accounting-related rules for utilities implementing the Integrated Energy Data Resource.	To consider cost recovery of capital expenditures and budget allocations of costs between affiliated companies.
PSC-17-21-00005-P	..... exempt	Submetering equipment.	To consider use of submetering equipment and if it is in the public interest.
PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation.	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation.
PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities.	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility.	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest.
PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-21-21-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00019-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-25-21-00005-P	..... exempt	Transfer of Penelec assets and franchise rights.	To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest.
PSC-25-21-00008-P	..... exempt	NYSERDA and National Grid's proposed Expanded Solar For All Program for low-income customers.	To consider the authorization and appropriate design of an opt-out community solar program for low-income customers.
PSC-25-21-00013-P	..... exempt	Negative revenue adjustments for gas main replacements targets in 2020.	To promote and ensure safety and reliability enhancements for utility infrastructure replacement.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-26-21-00010-P	..... exempt	Proposed acquisition of all shares of common stock of Corning Natural Gas Holding Corporation by ACP Crotona Corp.	To consider whether the acquisition of all shares of common stock of CNGH by ACP Crotona Corp. is in the public interest.
PSC-26-21-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-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-31-21-00011-P	..... exempt	Establishment of the regulatory regime applicable to a solar electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers.	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers.
PSC-32-21-00003-P	..... exempt	Exemptions from utility standby rates for certain designated or environmentally advantageous technologies.	To harmonize standby rate exemptions statewide.
PSC-33-21-00006-P	..... exempt	Proposed rate increase.	To ensure safe and adequate service at just and reasonable rates.
PSC-33-21-00007-P	..... exempt	Acquisition of cable television facilities and franchises of two municipalities.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest.
PSC-33-21-00008-P	..... exempt	Establishment of a Tapping and Connection Fee.	To consider whether the proposed fees are in the public interest.
PSC-33-21-00009-P	..... exempt	Banking of credits and switching between Community Distributed Generation and Remote Crediting projects.	To ensure just and reasonable rates charged to customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-34-21-00010-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-35-21-00004-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-35-21-00006-P	..... exempt	Proposed rate increase.	To ensure safe and adequate service at just and reasonable rates.
PSC-35-21-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-35-21-00009-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-37-21-00008-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-37-21-00009-P	..... exempt	Procedures necessary to implement Tax Law Section 187-q.	To establish procedures by which eligible utility-taxpayers can have the amounts of certain waived customer arrears certified.
PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems.	To consider modifications to the Clean Energy Standard.
PSC-37-21-00011-P	..... exempt	Green Button Connect implementation.	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document.
PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers.
PSC-37-21-00014-P	..... exempt	Consideration of Time Warner Cable Information Services (New York)'s Revised Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addressed and implemented.
PSC-37-21-00015-P	..... exempt	Rehearing and/or reconsideration of the Commission's determination related to ITIA's non-pipe alternative project.	To determine whether the Commission made an error of fact related to ITIA's non-pipe alternative project.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-21-00005-P	..... exempt	Area code overlay as relief of the exhausting 516 area code (Long Island).	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-41-21-00006-P	..... exempt	The proposed transfer of ownership interests and debt financing arrangement related to an electric generating facility.	To determine whether the proposed transfer of ownership interests and financing arrangement are in the public interest.
PSC-41-21-00007-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-41-21-00008-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-41-21-00009-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-41-21-00010-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-41-21-00011-P	..... exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.
PSC-49-21-00011-P	..... exempt	Amendments to the SIR.	To more effectively interconnect distributed generation and energy storage systems 5 MW or less to the distribution system.
PSC-49-21-00012-P	..... exempt	Hosting capacity maps at investor-owned electric utilities.	To provide more useful information about the distribution system's hosting capacity.
PSC-49-21-00013-P	..... exempt	Amendments to the SIR and funding mechanisms.	To more equitably share costs among distributed generation and energy storage projects that require capital upgrades.
PSC-49-21-00014-P	..... exempt	A Tier 4 renewable energy certificate contract.	To increase renewable generation in New York city.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-49-21-00015-P	..... exempt	A Tier 4 renewable energy certificate contract.	To increase renewable generation in New York city.
PSC-50-21-00005-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-50-21-00006-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-50-21-00010-P	..... exempt	New York City's proposal to procure Tier 4 Renewable Energy Certificates.	To modify load serving entity compliance obligations under the Clean Energy Standard.
PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00013-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-50-21-00014-P	..... exempt	Submetering of electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency measures are in place.
PSC-50-21-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-51-21-00008-P	..... exempt	Distribution level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00009-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00010-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-51-21-00011-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00012-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-51-21-00013-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00014-P	..... exempt	Distribution level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00015-P	..... exempt	PSC Regulation 16 NYCRR 86.3(b)(2), and 88.4(a)(4)	To consider the Applicants requests relating to the content of their application for transmission line siting
PSC-51-21-00016-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
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
DOS-51-21-00004-EP	..... 12/22/22	General Administration Relating to the Division of Licensing Services.	To give approved educational providers the option of offering mandatory course work virtually.
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
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
TDA-51-21-00002-EP	12/22/22	Elderly Simplified Application Project (ESAP) for the Supplemental Nutrition Assistance Program (SNAP)	To simplify the SNAP eligibility process for certain elderly and/or disabled residents in New York State
WORKERS' COMPENSATION BOARD			
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

RULE REVIEW

Department of Civil Service Rules Continued Without Modification

Pursuant to section 207 of the State Administrative Procedure Act (SAPA), notice is hereby provided of rules adopted by the New York State Civil Service Commission and President of the Commission during calendar years 1997, 2002, 2007, 2012 and 2017.

Contained herein is a brief description of each rule, including the statutory authority therefor, and a statement setting forth the justification for the ongoing need for each rule and its proposed continuation without further modification.

1997

Amendments to the Rules for the Classified Service (Chapter 1 of Title 4 NYCRR)

Statutory Authority: Civil Service Law sections 6, 63, 79

A resolution amended 4 NYCRR 4.5(b)(2) to grant State agencies the authority to waive probationary terms for certain non-competitive class employees and to broaden the definition of "promotion," consistent with Civil Service Law section 52(11) and Department policy.

A resolution amended 4 NYCRR 4.5(b)(2)(ii) to remove the one year probationary period for Vocational Instructor 4 incumbents who have completed three years' probation in the Vocational Instructor title series in the same appointing authority.

A new section 4 NYCRR 5.10 was added to provide for redeployment lists for classified service employees serving in positions designated managerial/confidential.

2002

Amendments to the Rules for the Classified Service (Chapter I of Title 4 NYCRR)

Statutory Authority: Civil Service Law sections 6, 63

Description of the Regulations:

A resolution amended 4 NYCRR 4.5(b)(2)(v) to revise the probationary term for positions of Highway Maintenance Supervisor 1.

A resolution amended 4 NYCRR 4.5(b)(3) was amended to set forth and standardize the probationary terms for appointments and training advancements for positions in the job titles of Assistant Research Scientist (all specialties), Research Physician 1-3 (all specialties), Psychiatrist 1-2, and Research Scientist 1-8 (all specialties).

Amendments to Part 72 of the Regulations of the Department of Civil Service (President's Regulations; Chapter V of Title 4 NYCRR)

Statutory Authority: Civil Service Law section 80

These regulations defined separate units for suspension, demotion or displacement ("layoff units") within the Division of Alcoholic Beverage Control and within the Office of Children and Family Services.

2007

No current rules or regulations amending the text of Title 4 NYCRR were adopted during the calendar year.

2012

Amendments to Part 73 of the Regulations of the Department of Civil Service (President's Regulations; Chapter V of Title 4 NYCRR)

Statutory Authority: Civil Service Law section 167

These regulations adjusted contribution rates for certain eligible enrollees, dependents and retirees participating in the New York State Health Insurance Program (NYSHIP).

2017

No current rules or regulations amending the text of Title 4 NYCRR were adopted during the calendar year.

Public Comments

There will be a forty-five (45) day public comment period following publication of this notice. Requests for information and public comments regarding the foregoing may be directed to: Eugene Sarfoh, Counsel, Department of Civil Service, Empire State Plaza, Albany, NY 12239, (518) 473-2624, e-mail address: eugene.sarfoh@cs.ny.gov

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

Emergent Health Corp.
20138 Valley Forge Circle, King of Prussia, PA 19406
State or country in which incorporated — Wyoming

Griffin Capital Qualified Opportunity Zone Fund III, L.P.
1520 E. Grand Ave., El Segundo, CA 90245
Partnership — Griffin Capital QOZ III, LLC

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

JobGet Inc.
50 Milk St., Boston, MA 02109
State or country in which incorporated — Delaware

Landmark Real Estate Partners IX, L.P.
10 Mill Pond Lane, Simsbury, CT 06070
Partnership — Landmark Real Estate Fund IX-GP, L.P.

Landmark Real Estate Partners IX-Campbell Co-Investment, L.P.
10 Mill Pond Lane, Simsbury, CT 06070
Partnership — Landmark Real Estate Fund IX-GP, L.P.

Landmark Real Estate Partners IX Co-Investment Fund, L.P.
10 Mill Pond Lane, Simsbury, CT 06070
Partnership — Landmark Real Estate Fund IX-GP, L.P.

Landmark Real Estate Partners IX Offshore, L.P.
10 Mill Pond Lane, Simsbury, CT 06070
Partnership — Landmark Real Estate Fund IX-GP, L.P.

Landmark Real Estate Partners IX Offshore Co-Investment Fund N,
L.P.
10 Mill Pond Lane, Simsbury, CT 06070
Partnership — Landmark Real Estate Fund IX-GP, L.P.

Landmark Real Estate Partners IX Offshore N, L.P.
10 Mill Pond Lane, Simsbury, CT 06070
Partnership — Landmark Real Estate Fund IX-GP, L.P.

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

Meadowview of Clive Holdings, LLC
603 E. Broadway St., Prosper, TX 75078
State or country in which incorporated — Texas

Nighthawk Fairway LLC
500 Westover Dr., Suite 15493, Sandford, NC 27330
State or country in which incorporated — Georgia

Osprey Polygon Trust
520 White Plains Rd., Suite 500, Tarrytown, NY 10591
State or country in which incorporated — Delaware

PleoPharma, LLC
518 Kimberton Rd., Suite 339, Phoenixville, PA 19460
State or country in which incorporated — Delaware

RG Venture LLC
751 Arbor Way, Suite 210, Blue Bell, PA 19422
State or country in which incorporated — Delaware

SEI Investments Distribution Co.
One Freedom Valley Dr., Oaks, PA 19456
State or country in which incorporated — Delaware

Trident Capital Group Fund I LLC
127 Valley Stream Lane, Southbury, CT 06488
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REHABILITATE STORM DRAIN

Perry B. Duryea State Office Building
Hauppauge, Suffolk County

Sealed bids for Project No. Q1819-C, comprising a contract for Construction Work, Rehabilitate Storm Drain, Perry B. Duryea State Office Building, 250 Veterans Highway, Hauppauge (Suffolk County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, January 5, 2022 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 \$24,100 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 224 days after the Agreement is approved by the Comptroller.

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

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

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

By OGS - Design & Construction Group

**REPLACE
CELL DOORS/GEARS/MOTORS
Bedford Hills Correctional Facility
Bedford Hills, Westchester County**

Sealed bids for Project Nos. 45158-C and 45158-E, comprising separate contracts for Construction Work and Electrical Work, Replace Cell Doors, Gears & Motors, Cell Blocks 111, 112, 113, 114 & 118, 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 Corrections and Community Supervision, until 2:00 p.m. on Wednesday, January 5, 2022 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 \$201,000 for C and \$35,000 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 \$8,000,000 and \$9,000,000 for C, and between \$500,000 and \$1,000,000 for E.

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

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

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

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

The substantial completion date for this project is 1,371 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 8:00 a.m. on December 15, 2021 at Bedford Hills Correctional Facility, 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 Matthew 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 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 Construction Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

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

OGS - Design & Construction Group

**REPAIR
ROOFS
Groveland Correctional Facility
Sonyea, Livingston County**

Sealed bids for Project No. 45190-C, comprising a contract for Construction Work, Repair Roofs, Buildings 93, 94, 95 & 96, Grove-

land Correctional Facility, 7000 Sonyea Rd. Route 36, Sonyea (Livingston County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, January 5, 2022 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 \$39,400 for C).

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 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-. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

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

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

The substantial completion date for this project is 636 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>

OGS - Design & Construction Group

**REPLACE
ROOF**

New York State Capitol
Albany, Albany County

Sealed bids for Project Nos. 45723-C, 45723-H, and 45723-E, comprising separate contracts for Construction Work, HVAC Work, and Electrical Work, Replace Roof, Center Courtyard, Main Floor, New York State Capitol, State Street and Washington Avenue, Albany (Albany County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, January 5, 2022 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 \$286,000 for C, \$17,100 for H, and \$17,400 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$11,000,000 and \$12,000,000 for C, between \$100,000 and \$250,000 for H, 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, Douglas Arena of Bell & Spina and Keith Leal of Gilbane. 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 12/31/2023.

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 1:00 p.m. on December 16, 2021, at NYS Capitol, Washington Avenue Entrance, Albany 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 Sharon Schumann, (518-474-5584) a minimum of 48 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 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work and Electrical Work. The total contract goal can be

obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 3% for the H trade contractor, and 3% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

OGS - Design & Construction Group

**REPLACE
HEATING SYSTEM
Department of Transportation Region 10
Babylon, Suffolk County**

Sealed bids for Project No.46067-H, comprising a contract for HVAC Work Replace Heating System, DOT Region 10, Suffolk County, 325 W Main Street, Babylon (Suffolk County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, January 5, 2022 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 \$32,400 for H).

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

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

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-. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

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

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

The substantial completion date for this project is 172 days after the Agreement is approved by the Comptroller.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

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

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

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this

contract as follows: 6% for the H trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

By OGS - Design & Construction Group

**REPAIR/REPLACE
EXTERIOR TILES**

Division of Military and Naval Affairs Headquarters
Latham, Albany County

Sealed bids for Project No. 47052-C, comprising a contract for Construction Work, Repair/Replace Exterior Tiles, DMNA Headquarters, 330 Old Niskayuna Road, Latham (Albany County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, January 5, 2022 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 \$20,300 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 \$250,000 and \$500,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and 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 407 days after the Agreement is approved by the Comptroller.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

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

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

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

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 State
F-2021-0904

Date of Issuance – December 22, 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-2021-0904, The Town of Webster, is proposing to install an ADA accessible seasonally removed floating kayak launch. The proposed launch would be anchored to the shoreline by a concrete abutment located landward of the Ordinary High Water (OHW) Mark. The launch would include a 5' wide by 30' long aluminum gangway with railings, transition plate, 5' wide by 23'-4" long floating dock, 5' wide by 5' long triangular section of dock, 6'-8" by 8'-4" section of floating dock, 13'-4" wide by 10' long floating platform, and a 5' wide by 40' long two-sided kayak slide (port entry). The dock would be supported by 2-3/8" pipe piles with auger attachments. The kayak launch would include all brackets for pipe pile attachments, gussets, hinges, railings, couplers, and ADA transfer bench with grab bar.

The proposal also includes creating a kayak beach along up to 55 linear feet of shoreline. The beach would extend as much as 25' waterward of OHW and encompasses a total area of 1,535sf (1,018sf below OHW). The beach area would be comprised of up to 4" of natural stone aggregate sub-base and 2" of #1A round pea gravel. The beach area would result in the excavation of 18.85 cubic yards (cy) of material from below the plane of OHW and result in 18.85cy of fill (natural stone aggregate base and pea gravel) below the plane of OHW. Excavated material would be reused on site landward of Ordinary High Water and outside of the State regulated wetland adjacent area. The excavation and fill associated with kayak beach might qualify for

authorization by the Army Corps of Engineers Nationwide Permits #18 and #19 which the Department of State has previously concurred with.

The project also includes various upland improvements to the park including improvements to public access pathways, formalizing existing parking areas, creating more usable open lawn areas, expanding the planting areas and creating a new shade structure, restroom buildings and site furniture.

The proposal is for the Town of Webster's Sandbar Park located on the shoreline of Irondequoit Bay on Lake Road in the Town of Webster, Monroe County.

The stated purpose of the proposed action is, "To preserve and enhance the town owned Sandbar Park and the adjacent path leading to the western limits of the Park. The project will include lakefront pathways/promenades that link to other areas of the park, two new parking areas, an elevated lawn plateau, covered shade pavilion overlooking the lake, natural play area, restroom building, woodland trail that connects to the pathway along the bay, a kayak launch, and seating areas."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-0904publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

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 January 21, 2022.

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-2021-0958

Date of Issuance – December 22, 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-2021-0958, William and Eliot Austin, are proposing to extend an existing 99' long by 7' wide crib supported dock (85' of which extends waterward of the Ordinary High Water Shoreline) an additional 40' by installing two (2) 10' x 7' rock filled cribs and extend-

ing the dock surface the additional 40' by 7'. The resulting dock would extend 125' from the Ordinary High Water Shoreline. The proposal is for the applicant's property on the St. Lawrence River at 18 Wright Road No 1 in the Town of Morristown, St. Lawrence County.

The stated purpose for the proposal is to "Provide deeper water for private recreational boating access.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-0958publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

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 January 21, 2022.

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-2021-0960

Date of Issuance – December 22, 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-2021-0960, Janna Jachniewicz, is proposing the installation of a 4' x 30' pier, 30" x 18' ramp, and a 8' x 20' float and boatlift. The project is located at 817 West Park Avenue, Long Beach, Nassau County, Reynolds Channel.

The stated purpose of the proposed action is to berth a recreational boat at a residential property.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-0960jachniewiczapp.pdf> or at <https://dos.ny.gov/public-notices>

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 January 21, 2022.

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-2021-0993

Date of Issuance – December 22, 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-2021-0993, applicant, Hutchinson's Boat Works, is proposing to place 276 linear feet of sheet pile along portions of the shoreline of a boat basin that was previously excavated from the upland. Of the 276 linear feet 40lf would be placed immediately waterward of an existing timber crib, ~88lf would be placed landward of the Ordinary High Water (OHW) and the remaining ~148lf would be placed at or waterward of OHW with a maximum encroachment into the water of 8'. All sheet pile will have wood staving placed on the waterward face. In the same area the applicant is proposing to dredge a 5,169sf area (extending 20' from the shoreline) to a maximum depth of 240' IGLD resulting in the removal of up to 195cy of material that will be disposed of at an upland site. In addition, the applicant is proposing to remove an existing ~150 long by 6.5' wide floating dock and install six (6) 25' long by 6' wide new pile supported floating docks that will each be accessed by 6' long by 4' wide ramps.

At a separate area of the property the applicant is also proposing to install 65'-6" of sheet pile generally landward of OHW except at the eastern end where the new wall would meet an existing concrete wall. The sheet pile will have wood staving placed on the waterward face. In the same general area, the applicant is proposing to remove an existing 60' long by 20' wide over the water building including all in water supports and dredge a 2,343sf area to a depth of 240' IGLD resulting in the removal of 150cy of material that will be disposed of at an upland site. In addition, the applicant is proposing the relocate and maintain seasonally ten (10) floating jet ski docks attached to the new bulkhead. Each float is ~13.25' long and 5.5' wide.

The proposal is for The Hutchinson's Boat Works property located on the St. Lawrence River at 27 Holland Street in the Village of Alexandria Bay, Jefferson County.

The stated purpose of the proposed action is "To support the existing bank and create additional docking along the bulkhead."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-0993publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

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 January 21, 2022.

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-2021-1057

Date of Issuance – December 22, 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-2021-1057, Michael Weber is proposing to construct a 4' x 135' timber pier with a 6' x 35' "L" shaped dock. Also, planned is the installation of a 4-pile boatlift and the removal of a 25' long jetty. The project is located on State Boat Channel at Five Captree Island, Babylon, NY 11702.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-1057weber.pdf> or at <https://dos.ny.gov/public-notices>

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 January 21, 2022.

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-2021-1072

Date of Issuance – December 22, 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-2021-1072, Michael Mass is proposing a 4' x 100' fixed catwalk, supported by twenty (20) 12" piles and elevated 7' over MHW. On the north side of the proposed catwalk a 4' x 4' platform is proposed with a 3' x 30' ramp leading to a 5' x 6' float and a 6' x 20' float in an "L" configuration. On the south side of the catwalk a 12,500 lb. boat lift is proposed, supported by four (4) 12" piles (15' x 15'), two (2) additional mooring piles are proposed on the south side of the dock were depicted on the plans. The project is located on Cold Springs Harbor at 11 Court Rumford Lane, Lloyd Harbor, NY 11743.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/12/f-2020-1172mass.pdf> or at <https://dos.ny.gov/public-notices>

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 January 21, 2022.

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-2021-1075

Date of Issuance - December 22, 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 at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-1075, New York City Department of Parks and Recreation is proposing the replacement of existing timber docks and piles with more resilient concrete docks and steel piles with 191 available slips; construct new fixed piers with partial depth wave screen on outer pier and partial depth debris screen to the south; reconstruct and elevate 6,000-square foot dock house and platform at a centralized location. Dredge 10.8 acres within basin to depth of -10.5 feet NAVD88 to improve vessel mobility and operations throughout marina, remove debris from the bottom, and allow for maintenance dredging. Repair/relocate utilities within the marina. The project location is W. 79th Street, New York County, Hudson River.

The applicant's consistency certification and supporting information are also available at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-1075-79stbasin.pdf> or at <https://dos.ny.gov/public-notices>

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, January 21, 2022.

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-2021-1089 (DA)

Date of Issuance – December 22, 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 United States Army Corps of Engineers – New York District has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination 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-2021-1089, The U.S. Army Corps of Engineers, New York District, has submitted a consistency determination for the proposed Buttermilk Channel Federal Navigation Project for maintenance dredging to remove critical shoals by dredging to a depth of 35-feet below MLLW plus 2 feet over-depth and 40-feet below MLLW plus 2 feet over-depth, removing approx. 200,000 CY of sediment. Dredged material to be placed at the Historic Area Remediation Site (HARS) by the bottom dumping barges method. Proposal will provide adequate water depth for local commercial activities, maximizing transportation efficiencies. This project is located in Brooklyn Borough, Kings County, Buttermilk Channel.

The agency's consistency determination and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-1089da.pdf> or at <https://dos.ny.gov/public-notices>

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 January 21, 2022.

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-2021-1090 (DA)

Date of Issuance – December 22, 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 determined that is consistent to the maximum extent practicable with the approved New York State Coastal Management Program.

In F-2021-1090(DA), The United States Coast Guard, is proposing to replace the subject floating dock finger piers with new floating docks of the same size and footprint and replacing the existing guide piles with new coated steel pipe piles of the same size and footprint and new sacrificial anodes. The project location is at 10 Search Lane, Staten Island, Richmond County, New York Harbor.

The stated purpose of the proposed action is to prevent the docks failure and allow for the continuation of first responder transit, sea rescue deployment, and emergency boat shelter at all times.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-1090uscgsta.pdf> or at <https://dos.ny.gov/public-notices>

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 January 21, 2022.

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-2021-1092

Date of Issuance – December 22, 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-2021-1092, the City of Peekskill, is proposing construction of a living shoreline with native plantings in the northern waterfront portion of the Site to address erosion; construction of waterfront walkways with links to the existing waterfront trail north and south of the Site; resurfacing the existing concrete pier; providing beach nourishment; and constructing a boardwalk overlook. Project is located at Riverfront Green Park, 36 Hudson Ave., City of Peekskill, Westchester County, Hudson River.

The stated purpose of the proposed action is to restore the Riverfront Green Park shoreline, providing opportunities for native coastal vegetation communities, along with public open space, paths and waterfront access. It will expand and develop the final link in the City's waterfront trail system at the park.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/12/f-2021-1092peekskilllivingshoreline.pdf> or at <https://dos.ny.gov/public-notices>

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 January 21, 2021.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
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.

2021-0582 Matter of Hugh W. Schaefer, 174 W. Merrick Road, Merrick, NY 11566, for a variance concerning safety requirements, including the ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 31 Dakota Place, Village of Hempstead, NY 11550, County of Nassau, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0583 In the matter of Michael La Montagne of C&S Engineers, 499 Colonel Eileen Collins Boulevard, Syracuse, NY 13212, for a variance for diminutive code issues concerning mechanical equipment at Madison County New Highway Facility located at 6200 Brown, Town of Eaton, Madison County, State of New York.

2021-0584 In the matter of Michael Johnson of Cornell University Facilities Department, 102 Humphreys Service Building, 639 Dryden Road, Ithaca, NY 14853, for a variance for diminutive code issues concerning temporary storage containers at Hasbrouck Community Center of Hasbrouck Apartments located at 121 Pleasant Grove Road, Town of Ithaca, Tompkins County, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0586 Matter of Joseph Nehrebecki, Architect PLLC, Joseph Nehrebecki, R.A., 1927 Bergen Street, Bellmore, NY 11710, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 75 Burnham Avenue, Roslyn Heights, Town of North Hempstead, NY 11577, County of Nassau, State of New York.

2021-0587 Matter of Gregory Isola Architect, Gregory Isola, 2715 Beaver Turn, Seaford, NY 11783, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 207 Princeton Road, Village Of Rockville Centre, NY 11570, County of Nassau, State of New York.

2021-0589 Matter of HWL Engineering P.C., Wanlong He, 329 S. Oyster Bay Road, Plainview, NY 11803, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at Five Hyacinth Court, Melville, Town of Huntington, NY 11747, County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0590 Matter of Mark Anthony Architects, Mark Anthony Munisteri, 1563 Bellmore Avenue, Bellmore, NY 11710, for a variance concerning safety requirements, including the ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 10 Hastings Drive, Merrick, Town of Hempstead, NY 11566, County of Nassau, State of New York.

2021-0592 Matter of Todd O'Connell Architects, P.C., Todd O'Connell, 1200 Veterans Memorial Hwy., Suite 120, Hauppauge, NY 11788, for a variance concerning safety requirements, including the ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 181 Yale Street, Village of Hempstead, NY 11550, County of Nassau, State of New York.

EXECUTIVE ORDERS

Executive Order No. 3.2: Continuing the Declarations of Disaster Emergencies.

WHEREAS, pursuant to Executive Order 198, issued November 20, 2019, a disaster was declared within the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne due to extensive flooding, widespread erosion, and water damage that caused significant damage to homes and other residential structures, businesses, and public infrastructure;

WHEREAS, pursuant to Executive Order 211, issued July 6, 2021, a statewide disaster was declared across the State due to gun violence;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Section 28 of Article 2-B of the Executive Law, York, do hereby extend the state disaster emergencies as set forth in Executive Orders 198 and 211, as continued in Executive Orders 3 and 3.1, and continue the terms, conditions, and suspensions contained in Executive Orders 198 through 198.19, 211, 211.1, until December 22, 2021.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-second day of November in the year two thousand twenty-one.

BY THE GOVERNOR
/S/ Kathy Hochul
/s/ Karen Persichilli Keogh
Secretary to the Governor

Executive Order No. 4.2: Continuing the Declaration of a State-wide Disaster Emergency Due to Healthcare Staffing Shortages in the State of New York.

WHEREAS, there are staffing shortages in hospital and other healthcare facilities and they are expected continue;

WHEREAS, severe understaffing in hospitals and other healthcare facilities is expected to continue to affect the ability to provide critical care and to adequately serve vulnerable populations;

WHEREAS, there is an immediate and critical need to supplement staffing to assure healthcare facilities can provide care;

NOW, THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the state disaster emergency as set forth in Executive Order 4, as continued in Executive Order 4.1, and continue the terms, conditions, and suspensions contained in Executive Orders 4 and 4.1, until December 26, 2021.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-sixth day of November in the year two thousand twenty-one.

BY THE GOVERNOR
/S/ Kathy Hochul
/s/ Karen Persichilli Keogh
Secretary to the Governor

Executive Order No. 5.2: Continuing the Temporary Suspension and Modification of Laws Related to the Disaster Emergency in the Counties of the Bronx, Kings, New York, Richmond and Queens Due to Conditions at Rikers Island Correctional Center.

WHEREAS, the Rikers Island Correctional Center has been facing a severe staffing shortage in recent months and this is expected to continue;

WHEREAS, the conditions in the facilities are expected to continue to create an unsafe, life-threatening environment for both the inmates and the staff;

WHEREAS, a federal monitor appointed to oversee the Correctional Center reported a “pervasive level of disorder and chaos,” in the facilities in its Eleventh Report of the *Nunez* Independent Monitor;

WHEREAS, there has been an increased number of deaths of inmates at Rikers Island this year;

WHEREAS, there is a need to facilitate the use of virtual court appearances to expedite proceedings and to reallocate corrections department staff from transportation and production of defendants to housing supervision and safety;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the state disaster emergency as set forth in Executive Order 5, and do hereby continue the terms, conditions, and suspensions contained in Executive Order 5, as continued by Executive Order 5.1, until December 27, 2021.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-seventh day of November in the year two thousand twenty-one.

BY THE GOVERNOR
/S/ Kathy Hochul
/s/ Karen Persichilli Keogh
Secretary to the Governor

Executive Order No. 11: Declaring a Disaster Emergency in the State of New York.

WHEREAS, the COVID-19 global pandemic has been declared a Public Health Emergency of International Concern by the World Health Organization since early 2020;

WHEREAS, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the nation’s healthcare community in responding to COVID-19 on January 31, 2020;

WHEREAS, New York is now experiencing COVID-19 transmission at rates the State has not seen since April 2020;

WHEREAS, the rate of new COVID-19 hospital admissions has been increasing over the past month to over 300 new admissions a day;

WHEREAS, the state must pursue a coordinated approach to ensure hospital capacity statewide is able to meet regional needs;

WHEREAS, the State government must support the municipalities

and counties in their efforts to facilitate and administer vaccinations and tests for COVID-19, and to prevent the virus from continuing to spread at such rates;

NOW, THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, hereby find, pursuant to Section 28 of Article 2-B of the Executive Law, that a disaster has occurred in New York State, for which the affected local governments are unable to respond adequately, and I do hereby declare a State disaster emergency for the entire State of New York through January 15, 2022; and

IN ADDITION, this declaration satisfies the requirements of Part 360 of the New York State Codes, Rules and Regulations to allow the state to utilize the Surge and Flex system, which may include, but is not limited to, postponement of non-essential elective procedures.

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize all necessary State agencies to take appropriate action to assist local governments and individuals in containing, preparing for, responding to and recovering from this state disaster emergency, to protect state and local property, and to provide such other assistance as is necessary to protect public health, welfare, and safety.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through December 26, 2021 the following:

- Section 112 of the State Finance Law to the extent necessary to add additional work, sites, funding, and time to State contracts or to award contracts, including but not limited to contracts or leases for relocation and support of State operations under Section 3 of the Public Buildings Law; or contracts under Section 9 of the Public Buildings Law; or contracts for professional services under Section 136-a of the State Finance Law; or contracts for purchases of commodities, services, and technology through any federal GSA schedules, federal 1122 programs, or other state, regional, local, multi-jurisdictional, or cooperative contract vehicles;
- Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent necessary to allow the purchase of necessary commodities, services, technology, and materials without following the standard notice and procurement processes;
- Section 97-G of the State Finance Law, to the extent necessary to purchase food, supplies, services, and equipment or furnish or provide various centralized services to assist affected local governments, individuals, and other non-State entities in responding to and recovering from the disaster emergency.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-sixth day of November in the year two thousand twenty-one.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor