
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 March 20, 2022
- the 45-day period expires on March 5, 2022
- the 30-day period expires on February 18, 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.

Office of Alcoholism and Substance Abuse Services

NOTICE OF ADOPTION

Children and Family Treatment and Support Services

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

Filing No. 11

Filing Date: 2022-01-04

Effective Date: 2022-01-19

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

Action taken: Amendment of Part 823 of Title 14 NYCRR.

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

Subject: Children and Family Treatment and Support Services.

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

Text or summary was published in the October 20, 2021 issue of the Register, I.D. No. ASA-42-21-00008-P.

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

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

Revised Job Impact Statement

OASAS did not submit a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the amended regulation does not

impose any new employment or training requirements on providers of children and family treatment and support services. This rule was presented at the September 22, 2021 Behavioral Health Services Advisory Council meeting, and was published in the October 20, 2021 issue of the State Register. No public comment was received and as a result the rule is now being submitted for final adoption.

Assessment of Public Comment

The agency received no public comment.

Division of Criminal Justice Services

EMERGENCY RULE MAKING

Professional Policing Standards

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

Filing No. 1325

Filing Date: 2021-12-31

Effective Date: 2021-12-31

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

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

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

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

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

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

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

Maintaining public safety is imperative as it will foster better relations between police and the communities they serve. The failure to promulgate this rule on an emergency basis, and the failure to hold police officers who engage in serious misconduct accountable and to prevent bad actors from serving as police officers, will undermine public safety. For that reason, it would, in this case, be contrary to the general welfare of the People of the State of New York to adhere to the normal requirements of the rule-making process.

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

Subject: Professional Policing Standards.

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

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

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

Summary of Part 6000

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

Summary of Part 6056

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

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

Unfortunately, there are loopholes in the current structure. Under the new framework, removal for cause of a full-time or part-time police officer or peace officer means when an officer has an interruption in service subsequent to and in connection with allegations of misconduct which are

known or should be known to the employer or any officer or employee of the employer agency or is being investigated by another agency or entity. Misconduct includes: (a) criminal activity, whether criminally charged or prosecuted, regardless of where the act took place if said conduct would constitute an offense in New York; (b) dishonesty; (c) use of excessive force; (d) abuse; and (e) conflicts of interest. (2) Interruption from service includes separation: (a) pursuant to: a hearing held under section 75 of the Civil Service Law; a collective bargaining agreement, or any general, special or local law, or charter provision in accordance with section 76 of the Civil Service Law; or any other applicable law; or (b) by an employee’s resignation or retirement; or (c) after an employee’s waiver of any rights available. Removal during a probationary period means a probationary period not successfully completed due to misconduct.

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

This notice is intended to serve 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. CJS-42-21-00004-EP, Issue of October 20, 2021. The emergency rule will expire February 28, 2022.

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

Regulatory Impact Statement

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

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

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

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

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

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

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

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

4. Costs:

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

- Training on the new law, regulations, and requirements;
- Background investigations of police officer candidates, including, but not limited to, fingerprint-based criminal history searches, and polygraph examinations, unless prohibited by law. Many departments are currently conducting thorough checks;
- Psychological reviews of police officer candidates by a qualified psy-

chiatrist or psychologist. Such psychological reviews are to be performed only after a conditional offer of employment has been given. Many departments are currently conducting such reviews;

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

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

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

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

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

9. Federal standards: There are no federal standards.

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

Regulatory Flexibility Analysis

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

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

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

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

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

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

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

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

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

Rural Area Flexibility Analysis

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

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

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

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

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

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

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

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

Job Impact Statement

1. Nature of impact: Part BBB of Chapter 59 of the Laws of 2021 establishes the "New York State Professional Policing Act of 2021" to

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

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

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

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

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

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

Education Department

EMERGENCY RULE MAKING

Prohibits Schools from Filing a Law Suit Against Parents or Guardians for Unpaid Meal Fees

I.D. No. EDU-39-21-00012-E

Filing No. 10

Filing Date: 2022-01-04

Effective Date: 2022-01-04

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

Action taken: Amendment of section 114.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 209, 305, 908, as amended by L. 2021, ch. 315

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

Specific reasons underlying the finding of necessity: The proposed amendment to section 114.5 of the Regulations of the Commissioner of Education is necessary to implement Chapter 315 of the Laws of 2021, which amended the Education Law, effective July 29, 2021. Chapter 315 prohibits public school districts, charter schools and non-public schools participating in the National School Lunch Program or School Breakfast Program in which there is a school where all pupils are not eligible to be served breakfast and lunch under the Community Eligibility Provision or Provision Two of the Federal National School Lunch Act, 42 U.S.C. Sec. 1751 et seq., from filing a lawsuit against a student's parent or guardian if such student has unpaid school meal fees.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the January 2022 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earlier effective date of the proposed rule, if adopted at the January meeting, would be January 26, 2022, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the September 2021 meeting for the preservation of the general welfare to conform the Commissioner's regulations to Chapter 315 of the Laws of 2021.

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. However, since the emergency action will expire before the January 2022 Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the November 2021 Regents meeting.

Subject: Prohibits schools from filing a law suit against parents or guardians for unpaid meal fees.

Purpose: To implement and conform Commissioner's Regulations according to chapter 315 of the Laws of 2021.

Text of emergency rule: Subparagraph (iv) of paragraph (5) of subdivision (b) of section 114.5 of the Regulations of the Commissioner of Education, is amended, as follows:

(iv) take any action directed at a pupil to collect unpaid school meal fees. A school or school district may attempt to collect unpaid school meal fees from a *student's* parent or guardian, but shall not use a debt collector, as defined in Section 803 of the Federal Consumer Credit Protection Act, 15 U.S.C. Sec. 1692a or file a lawsuit against such student's parent or guardian; or

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-39-21-00012-P, Issue of September 29, 2021. The emergency rule will expire April 3, 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 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

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

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

Education Law 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 § 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 § 908 sets forth the requirements for the prohibition against meal shaming.

Chapter 315 of the Laws of 2021 (Chapter 315) amended section 908 to prohibit public school districts, charter schools, and non-public schools that participate in the National School Lunch Program or School Breakfast Program from filing a lawsuit against a student's parents or guardians if such student has unpaid school meal fees. This does not apply to schools that participate in the Community Eligibility Provision or Provision Two of the Federal National School Lunch Act, 42 U.S.C. Sec 1751 et seq., which permits all students to be served free breakfast and lunch.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to implement and otherwise conform Commissioner's Regulations to the requirements of Education Law § 908 as amended by Chapter 315, which prohibit public school districts, charter schools, and non-public schools that participate in the National School Lunch Program or School Breakfast Program from filing a lawsuit against a student's parents or guardians if such student has unpaid school meal fees.

3. NEEDS AND BENEFITS:

Chapter 315 amended Education Law § 908 to prohibit public school districts, charter schools, and non-public schools that participate in the National School Lunch Program or School Breakfast Program from filing a lawsuit against a student's parents or guardians if such student has unpaid school meal fees. This does not apply to schools that participate in the Community Eligibility Provision or Provision Two of the Federal National School Lunch Act, 42 U.S.C. Sec 1751 et seq., which permits all students to be served free breakfast and lunch.

The proposed amendment to section 114.5 of the Commissioner's regulations implements the provisions of Chapter 315 by adding a provision that prohibits schools from bringing a lawsuit against a student's parents or guardians if such student has unpaid school meal fees.

4. COSTS:

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

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

(c) Cost to private regulated parties: The proposed amendment does not impose any additional costs on regulated parties.

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

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program, service, duty or responsibilities on local governments, but merely implements and otherwise conforms Commissioner's Regulations to Chapter 315.

6. PAPERWORK:

The proposed rule does not require any additional paperwork, and is necessary to implement Chapter 315.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed rule is necessary to implement Chapter 315. There were no significant alternatives considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

If adopted as an emergency rule at the September 2021 Regents meeting, the emergency rule will become effective September 29, 2021. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the January 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. It is anticipated that regulated parties can achieve compliance with the proposed rule by its effective date.

Regulatory Flexibility Analysis

(a) Small businesses:

The proposed rule is necessary to implement Education Law § 908, as amended by Chapter 315 of the Laws of 2021, which prohibits public school districts, charter schools and non-public schools participating in the National School Lunch Program or School Breakfast Program in which there is a school where all pupils are not eligible to be served breakfast and lunch under the Community Eligibility Provision or Provision Two of the Federal National School Lunch Act, 42 U.S.C. Sec. 1751 et seq., from filing a lawsuit against a student's parent or guardian if such student has unpaid school meal fees. The proposed rule does not impose any economic impact, or other compliance requirements on small businesses. Because it is evident from the nature of the proposed rule that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:

1. EFFECT OF RULE:

The proposed rule applies to all public, charter and non-public schools that participate in the National School Lunch Program or School Breakfast Program in this State when there is a school at which all pupils are not eligible to be served breakfast and lunch under the Community Eligibility Provision or Provision Two of the Federal National School Lunch Act, 42 U.S.C. Sec. 1751 et seq..

2. COMPLIANCE REQUIREMENTS:

The proposed rule prohibits lawsuits against students' parents or guardians for unpaid meal fees, as required by Education Law § 908, as amended by Chapter 315 of the Laws of 2021.

3. PROFESSIONAL SERVICES:

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

4. COMPLIANCE COSTS:

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

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

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

6. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement Education Law § 908, as amended by Chapter 315 of the Laws of 2021. There were no significant alternatives considered.

7. LOCAL GOVERNMENT PARTICIPATION:

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

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule applies to all public, charter and non-public schools that participate in the National School Lunch Program or School Breakfast Program in this State when there is a school at which all pupils are not eligible to be served breakfast and lunch under the Community Eligibility Provision or Provision Two of the Federal National School Lunch Act, 42 U.S.C. Sec. 1751 et seq., including those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less.

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

The proposed rule is necessary to implement Education Law § 908, as amended by Chapter 315 of the Laws of 2021 (Chapter 315), which prohibits public school districts, charter schools and non-public schools participating in the National School Lunch Program or School Breakfast Program in which there is a school where all pupils are not eligible to be served breakfast and lunch under the Community Eligibility Provision or Provision Two of the Federal National School Lunch Act, 42 U.S.C. Sec. 1751 et seq., from filing a lawsuit against a student's parent or guardian if such student has unpaid school meal fees.

3. COSTS:

The proposed amendment is necessary to conform the Commissioner's regulations with Chapter 315, and does not impose any additional costs to public, charter and non-public schools, including those in rural areas.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement Education Law § 908, as amended by Chapter 315 of the Laws of 2021. Therefore, no alternatives were considered for public, charter and non-public schools located in rural areas.

5. RURAL AREA PARTICIPATION:

Comments on the proposed rule will be solicited from school districts through the offices of the district superintendents of each supervisory district in the State, 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 proposed rule is necessary to implement Education Law § 908, as amended by Chapter 315 of the Laws of 2021, which prohibits public school districts, charter schools and non-public schools participating in the National School Lunch Program or School Breakfast Program in which there is a school where all pupils are not eligible to be served breakfast and lunch under the Community Eligibility Provision or Provision Two of the Federal National School Lunch Act, 42 U.S.C. Sec. 1751 et seq., from filing a lawsuit against a student's parent or guardian if such student has unpaid school meal fees. 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.

Assessment of Public Comment

The agency received no public comment.

EMERGENCY RULE MAKING

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

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

Filing No. 1324

Filing Date: 2021-12-31

Effective Date: 2022-01-01

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

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

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

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

Specific reasons underlying the finding of necessity: Education Law § 14, also known as the Dignity for All Students Act (DASA), requires prospective school professionals who apply for a certificate or license to complete training on the social patterns of harassment, bullying (including cyberbullying), and discrimination, including, but not limited to, those acts based

on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

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

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

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

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

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the February 2022 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the October meeting, would be March 2, 2022, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the October 2021 meeting for the preservation of the general welfare and public health to continue allowing the DASA training to be provided entirely online after December 31, 2021 until the proposed rule becomes effective on March 2, 2022. Without the emergency action, the DASA training would need to include at least three clock hours through face-to-face instruction between January 1, 2022 and March 1, 2022. This change in training format for two months would be difficult for approved DASA training providers, especially during the COVID-19 pandemic.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at its February 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: Removing face-to-face instruction requirement for the Dignity For All Students Act (DASA) Training.

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

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

(5) All registered teacher education programs leading to certification in the classroom teaching service, school service, or administrative and supervisory service shall provide six clock hours[, of which at least three hours must be conducted through face-to-face instruction,] of coursework or training in the prevention and intervention of harassment, bullying and discrimination[, except that the six clock hours of coursework or training may be provided entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis]. Such coursework or training shall include, training on the social patterns of harassment, bullying and discrimination, as defined in section 11 of the Education Law, including but not limited to those acts based on a person's actual or perceived race,

color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

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

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

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

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

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

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

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

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

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

(m) ensure that candidates complete six clock hours[, of which at least three hours must be conducted through face-to-face instruction,] of coursework or training on the social patterns of harassment, bullying and discrimination, in accordance with the requirements of section 14 of the Education Law[, except that the six clock hours of coursework or training

may be provided entirely online through December 31, 2021 in response to the State of emergency declared by the Governor pursuant to an Executive Order for the COVID-19 crisis];

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

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

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

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

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-44-21-00009-P, Issue of November 3, 2021. The emergency rule will expire March 30, 2022.

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

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

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

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

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

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

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

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

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

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

2. LEGISLATIVE OBJECTIVES:

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

3. NEEDS AND BENEFITS:

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

harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

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

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

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

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

4. COSTS:

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

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

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

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

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

The proposed amendments do not impose any additional paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

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

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

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

Regulatory Flexibility Analysis

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

The purpose of the proposed amendment to sections 52.21, 57-4.5, and 80-1.13 of the Regulations of the Commissioner of Education is to permit the Dignity for All Students Act (DASA) training to be provided entirely online. The amendment does not impose any new recordkeeping or other compliance requirements and will not have an adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed technical amendment that it will not affect small

businesses or local governments, no further steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

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

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

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

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

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

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

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

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

3. COSTS:

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

4. MINIMIZING ADVERSE IMPACT:

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

5. RURAL AREA PARTICIPATION:

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

Job Impact Statement

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

Department of Environmental Conservation

NOTICE OF ADOPTION

Medium- and Heavy-Duty (MHD) Zero Emission Truck Annual Sales Requirements and Large Entity Reporting

I.D. No. ENV-36-21-00004-A

Filing No. 1322

Filing Date: 2021-12-30

Effective Date: 30 days after filing

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

Action taken: Addition of Part 218 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-1101, 19-1103, 19-1105, 71-2103, 71-2105; Federal Clean Air Act (42 USC 7507), section 177

Subject: Medium- and heavy-duty (MHD) zero emission truck annual sales requirements and large entity reporting.

Purpose: Annual zero emission MHD truck sales requirements for model years 2025-2035; report MHD volumes, operations, and locations.

Substance of final rule: The New York State Department of Environmental Conservation (Department) is proposing to amend 6 NYCRR Part 218 and Section 200.9. Section 200.9 is a list that cites Federal and California codes and regulations that have been referenced by the Department while amending Part 218. The purpose of the amendment is to revise the existing low emission vehicle (LEV) program to incorporate California's Advanced Clean Truck (ACT) medium- and heavy-duty zero emission vehicle (ZEV) standards. The Department is amending Sections 218-1.1, Applicability; 218-2.1, Prohibitions; 218-4.1, ZEV percentages; and adding a new 218-4.2, Large Entity Reporting Requirement. The remaining Sections in Part 218 are unchanged.

Section 218-1.1(a) is amended to include ZEV standards for 2025 and subsequent model year medium- and heavy-duty trucks and to correct miscellaneous typographical errors.

Section 218-2.1(a) is amended to update the sections being incorporated by reference from the California Code of Regulations.

Section 218-4.1 is amended to incorporate California's latest (ZEV) standards for medium- and heavy-duty trucks. The proposed ACT amendments would introduce ZEV sales requirements for all manufacturers that sell vehicles in weight classes 2b through 8 (gross vehicle weight rating (GVWR) > 8,500 lbs.) in New York. The sales requirement would be a percentage, varying by model year, vehicle class, and vehicle type of the manufacturer's annual New York sales volume for that model year. Starting with MY 2025 in New York, manufacturers would incur deficits for each vehicle sold that must be met with credits generated from selling medium- and heavy-duty ZEVs or near zero emission vehicles (NZEVs).

Medium- and heavy-duty ZEV and NZEV credits may be generated, banked, and traded in New York by manufacturers. Credits would have a limited lifetime to ensure medium and heavy-duty ZEVs are sold in New York. Manufacturers subject to the sales requirement must report sales information and credit trade information annually to the Department to demonstrate compliance.

Section 218-4.2 is being added. The proposed ACT amendments include a one-time large entity reporting requirement that applies to large fleet owners. Subject entities must report information regarding vehicle ownership and operation, as well as company-wide information about their New York locations and how they and their contractors move freight and perform other services. The extent of reporting will vary based on size of the company and truck ownership. State and local government agencies would also be required to report.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 200.9 and 218-4.2.

Text of rule and any required statements and analyses may be obtained from: Jeff Marshall, P.E., NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3255, (518) 402-8292, email: air.regs@dec.ny.gov

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration, and a Coastal Assessment Form have been prepared and are on file.

Summary of Revised Regulatory Impact Statement The New York State Department of Environmental Conservation (DEC or the Department) is amending Title 6 of the New York Codes, Rules and Regulations (NYCRR) Part 218, “Emissions Standards for Motor Vehicles and Motor Vehicle Engines”, and Part 200, “General Provisions”. These amendments further the goals of reducing air pollution from motor vehicles, including criteria pollutants and greenhouse gases (GHGs), by incorporating California’s medium- and heavy-duty zero emission vehicle (ZEV) regulation, known as “Advanced Clean Trucks” (ACT). The amendments are consistent with the requirements of the Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (CLCPA or Climate Act), to further reduce greenhouse gas (GHG) emissions in the State. The CLCPA emphasizes reducing greenhouse gas emissions and co-pollutants in disadvantaged communities including requiring all state agencies to not disproportionately burden disadvantaged communities when considering and issuing permits, licenses, and other administrative approvals and decisions.

The adopted amendments establish annual ZEV sales requirements in New York State for truck manufacturers. Manufacturers will be required to meet a certain sales percentage of ZEV trucks, which will vary among vehicle weight classes, beginning with model year (MY) 2025, and increasing annually through MY 2035.

The adopted amendments also establish a one-time large entity fleet reporting requirement. Subject entities will be required to submit a one-time report to the Department detailing information that will help identify future strategies to accelerate adoption of zero emission medium- and heavy-duty vehicles.

The United States Environmental Protection Agency (EPA)’s 2017 National Emissions Inventory (NEI) data estimated that on-road medium- and heavy-duty vehicles emitted approximately 13.6 million tons of GHG (when measured in CO₂e GWP100, rather than the GWP20 required by the Climate Act) in New York. The CLCPA defines “carbon dioxide equivalent” (CO₂e) as a measurement of global warming potential (GWP) based on a twenty-year timeframe (GWP20), rather than a one hundred-year timeframe (GWP100). The transportation sector accounts for at least 27 percent of all GHG emissions in New York State when measured pursuant to the Climate Act and Part 496. Diesel fuel and biodiesel, mainly used by medium- and heavy-duty vehicles, accounts for 21.5 percent of all on-road transportation sector GHG emissions, when measured pursuant to the Climate Act and Part 496.

The 2017 NEI data estimated that on-road medium- and heavy-duty vehicles emitted approximately 40,765 tons of nitrogen oxides (NO_x) and 3,345 tons of fine particulate matter (PM_{2.5}) in New York. Medium- and heavy-duty vehicles account for approximately 46 percent of total on-road vehicle NO_x emissions while making up a smaller percentage of vehicles.

New York State has a statewide diesel PM₁₀ ambient concentration from on-road medium- and heavy-duty vehicles of approximately 0.265 micrograms/meter³ (µg/m³), which is one of the highest in the nation. PM_{2.5} emissions from on-road mobile sources in the New York City region contribute to approximately 320 deaths and 870 hospitalizations and emergency department visits. Of the 320 deaths attributed to PM_{2.5} emissions, 170 deaths can be associated with buses and trucks.

The adopted ACT amendments would introduce ZEV sales requirements for all manufacturers that sell vehicles in weight classes 2b through 8 (gross vehicle weight rating (GVWR) > 8,500 lbs.) in New York. The sales requirement would be a percentage, varying by model year, vehicle class, and vehicle type of the manufacturer’s annual New York sales volume for that model year. Starting with MY 2025 in New York, manufacturers would incur deficits for each vehicle sold that must be met with credits generated from selling medium- and heavy-duty ZEVs or near zero emission vehicles (NZEVs).

Medium- and heavy-duty ZEV and NZEV credits may be generated, banked, and traded in New York by manufacturers. Credits would have a limited lifetime to ensure medium and heavy-duty ZEVs are sold in New York. Manufacturers subject to the sales requirement must report sales information and credit trade information annually to the Department to demonstrate compliance.

Large entities that operate medium and heavy-duty trucks in New York would be required to submit a one-time reporting requirement. Large entities would include, but not be limited to, retailers, manufacturers, refiners, drayage terminal operators, utility providers, refuse companies, and government agencies.

The Department has estimated the emission reduction benefits associated with the adoption of California’s ACT regulation from two sources:

1. By comparing the annual vehicle miles traveled (VMT) of medium- and heavy-duty trucks for New York State to California, a scaling factor can be developed. The Department applied the calculated scaling factor of 0.32 to California’s ACT Attachment D emission reductions to estimate New York State emission reductions.

2. The International Council on Clean Transportation (ICCT) utilized EPA’s Motor Vehicle Emissions Simulator (MOVES3) model at the county

scale using 2017 National Emissions Inventory representative counties to evaluate New York State’s adoption of several California medium- and heavy-duty vehicle regulations, including ACT.

Using the first source, the Department estimates that New York’s adoption of ACT would achieve emission benefits of 18,635 tons of NO_x, 349 tons of PM_{2.5}, and 5.52 million metric tons of GHG expressed in carbon dioxide equivalents with a global warming potential based on a one hundred-year timeframe (CO₂e, GWP100) from 2025-2040. California’s ACT rulemaking estimates emissions reductions using a 100-year GWP which is standard practice. New York’s Climate Act requires emissions be calculated using a 20-year GWP. Estimating emissions from internal combustion engines using a 20-year GWP would increase the emissions reductions realized from the proposed ACT.

The second source estimated that New York’s adoption of ACT would achieve emission benefits of 16,210 tons of NO_x, 230 tons of PM_{2.5}, and 17.91 million metric tons of CO₂e, GWP100 from 2025-2040.

Where appropriate, costs and benefits associated with New York’s adoption of California’s ACT regulation were estimated by applying the VMT-based scaling factor to California values. The scaling factor was applied to incremental ZEV cost, Phase 2 GHG compliance savings, large entity reporting costs, sales and excise tax, vehicle maintenance costs, maintenance bay upgrade costs, midlife service costs, electric vehicle supply equipment infrastructure and maintenance costs, and transition and workforce development costs.

The incremental cost of requiring medium- and heavy-duty ZEV sales in New York is estimated at \$2.9 billion from 2025-2040. The Department believes there will be no additional certification costs for manufacturers to comply with ACT in New York. The Department estimates Phase 2 GHG compliance savings of \$201 million to New York for 2025-2040.

Large fleet owners and those large companies that contract for transportation services will be required to report vehicle information and how they are operated. The Department estimates the cost of the one-time ACT reporting requirement in New York to be \$4.8 million.

Vehicles purchased in New York are subject to state and local sales tax applied to the vehicle purchase price. The Department estimated combined state/local sales tax of 8.45 percent. Class 8 vehicles are subject to an additional 12 percent federal excise tax. The Department estimates sales and excise tax costs in New York to be \$295 million from 2025-2040.

An overall total fuel cost savings is expected due to the replacement of diesel and gasoline fuel with the cost of electricity and hydrogen fuel. The Department estimates an overall savings of \$4.07 billion considering all fuel costs in New York from 2025-2040.

Vehicle maintenance costs consist of labor and parts for routine maintenance and repairs. The maintenance costs for battery electric vehicles are predicted to be lower compared to diesel fueled vehicles due to fewer moving parts and a simpler design. The Department estimates vehicle maintenance costs to be a net savings of \$1.21 billion in New York from 2025-2040.

Maintenance facilities would require upgrades to safety equipment, diagnostic tools, and other equipment to service electric vehicles. New York costs to upgrade maintenance facilities to service medium and heavy-duty ZEVs are estimated at \$180 million from 2025-2040.

Midlife costs represent the cost to rebuild or replace the main propulsion components of vehicles due to wear and deterioration. These include engine rebuild for diesel vehicles; battery pack replacement for battery electric vehicles; and fuel cell stack refurbishment for hydrogen fuel-cell vehicles. The Department estimates midlife costs of \$305 million in New York from 2025-2040.

Fleets will need to complete significant infrastructure upgrades to provide fuel for battery-electric and hydrogen fuel cell vehicles. The Department estimates electric vehicle fueling infrastructure installation and maintenance costs of \$3.10 billion in New York from 2025-2040.

The cost for transitioning to a new technology and its deployment is assumed to be approximately 2.5 percent of the incremental cost between a diesel truck and ZEV truck of the same class. The Department estimates transitional and workforce development costs in New York to be approximately \$12 million from 2025-2040.

Commercial vehicles of all fuel types are subject to registration fees, county use taxes, and supplemental fees depending on their fuel and vehicle weight. Diesel-powered commercial vehicles weighing 8,501 pounds GVWR or more are subject to an additional 3.25 percent increase to the listed registration fee, as required by the New York State Heavy-Duty Vehicle Diesel Emissions Reduction Act (DERA). Under ACT, ZEV purchases would not be subject to the DERA fee applicable to similar weight diesel-powered vehicles. DERA savings are estimated to be approximately \$3.4 million from 2025-2040.

ACT adoption would reduce state and local tax and fee revenue from gasoline and diesel sales, while increasing revenue from electricity. The Department estimated the fiscal impact on tax and fee revenue for New York State as a -\$250 million offset to benefits for 2025-2040.

The Department estimated the health benefits of reduced NO_x and PM_{2.5} emissions derived from ACT adoption in New York from two sources:

1. California Air Resources Board (CARB)'s ACT Health Benefits
2. Northeast States for Coordinated Air Use Management (NESCAUM) sponsored CO-Benefits Risk Assessment (COBRA) modeling based on ICCT MOVES3 modeling of ACT in New York State (2025-2040)

The Department estimated the total number of incidents and estimated health benefits to New York using state population and the proximity of residents to major roadways in accordance with the U.S. Department of Transportation's Transportation and Health Tool. The Department estimates health benefits to New York of \$3.3 billion for 2025-2040.

The Department also considered COBRA simulations to examine the health impacts of ACT adoption in New York based on ICCT MOVES3 modeling results. A COBRA simulation estimated \$184 to \$423 million in monetized health benefits to New York from 2025-2040.

The monetized benefits of GHG reductions are estimated by considering the social cost of carbon. The Climate Act directed the Department to establish a value of carbon for use by state agencies. The Department evaluated the value of carbon in accordance with DEC's Value of Carbon guidance using a two percent discount rate. Scaling California's CO₂e reductions results in an estimated avoided social cost of carbon of \$632 million from 2025-2040. Using ICCT MOVES3 modeling results in an estimated avoided social cost of carbon of \$2.06 billion from 2025-2040. Since the Department couldn't separate CARB's CO₂e value into the component gases we have taken a conservative approach of calculating the value of carbon by applying the value of CO₂ to the CO₂e metric. Estimating the value for the individual gases in the CO₂e metric would likely result in a higher value.

Fleet owners, however, are not required to purchase ZEV trucks under the ACT adoption. If fleet owners choose to purchase electric trucks, they would incur costs after the point of sale, as well as costs relating to electric vehicle infrastructure. The adopted amendments would reduce overall costs as reduced operational costs significantly outweigh higher upfront vehicle purchase price and infrastructure costs. Battery-electric technologies are expected to reach total cost of ownership parity with diesel-powered vehicles by the 2024 MY for some applications.

New York State has several programs to promote the transition of the transportation sector to cleaner energy including the New York Truck Voucher Incentive Program administered by the New York State Energy and Research Development Authority, the New York City Clean Trucks Program administered by the New York City Department of Transportation, and a medium- and heavy-duty fleet make-ready pilot program pursuant to a New York State Public Service Commission order.

The adopted ACT amendments include a one-time large entity reporting requirement that applies to large fleet owners. Subject entities must report information regarding vehicle ownership and operation, as well as company-wide information about their New York locations and how they and their contractors move freight and perform other services. The extent of reporting will vary based on size of the company and truck ownership. State and local government agencies would also be required to report.

The adopted amendments will affect tax revenue at the state and local level. Sales tax revenues are likely to increase due to the higher purchase costs of zero-emissions trucks. Fuel tax revenue will be reduced as gasoline and diesel vehicles will be displaced with electric and hydrogen fuel vehicles reducing the amount of gasoline and diesel dispensed in the state.

The adopted amendments are not expected to cause a change in overall employment in New York. Motor vehicle and parts manufacturing represents a small portion of employment in New York. Businesses that sell gasoline and diesel fuel in New York State may be negatively impacted. Businesses involved in the manufacturing of electric vehicle batteries, fuel-cell technologies, and electric vehicle parts are likely to be positively impacted. Businesses involved in installation, maintenance, and repair of electric vehicle charging infrastructure and hydrogen fueling infrastructure are likely to be positively impacted.

The ACT regulation would take effect beginning with MY 2025 for vehicles with GVWR greater than 8,500 lbs. The sales requirements would increase annually until MY 2035. Entities subject to the one-time large entity reporting requirement would be required to report by April 1, 2023.

Revised Regulatory Flexibility Analysis

1. Effect of rule:

The New York State Department of Environmental Conservation (Department) is adopting amendments to 6 NYCRR Section 200.9 and 6 NYCRR Part 218 to incorporate California's Advanced Clean Truck (ACT) standards for medium- and heavy-duty trucks, which became effective March 15, 2021 in California. These changes apply to manufacturers' requirements for the manufacture and sale of medium- and heavy-duty zero emission vehicles (ZEVs) sold in New York. The adopted revisions may have an adverse impact on businesses involved in manufacturing, selling, servicing, or purchasing medium- and heavy-duty vehicles.

State and local governments are also consumers of medium- and heavy-duty vehicles that will be regulated under the adopted amendments. Therefore, local governments who own or operate vehicles in New York State are subject to the same requirements as owners of private vehicles in New York State. The adopted changes are revisions to the current low emission vehicle (LEV) standards. New York State has had the California on-road motor vehicle emissions program in effect since model year 1993 for passenger cars and light-duty trucks, with the exception of model year 1995, medium-duty vehicles since model year 2004, and heavy-duty vehicles for model years 2005 through 2007 and the Department is unaware of any adverse impact to small businesses or local governments as a result of previous revisions. Section 177 of the federal Clean Air Act requires New York to maintain standards identical to California's in order to maintain the LEV program.

2. Compliance requirements:

There are no specific requirements in the adopted regulation which apply exclusively to small businesses. Local governments may be subject to the one-time large entity reporting requirement if they operate at least one medium- or heavy-duty vehicle. The large entity reporting requirements are effective statewide. Medium- and heavy-duty vehicle manufacturers will be required to submit annual compliance reports to the Department to demonstrate compliance with the adopted regulations. The reporting requirements are expected to be similar to existing light-duty reporting requirements. Professional services are not anticipated to be necessary to comply with the rules.

3. Professional services:

There are no professional services needed by small business or local government to comply with the adopted rule.

4. Compliance costs:

The adopted amendments include a one-time large entity reporting requirement that applies to large fleet owners, government agencies, and companies that contract for transportation related services. The extent of reporting will vary based on size of the company and truck ownership. Businesses with a single facility category and with few vehicles can expect to complete their reporting in 4 to 10 hours. Businesses with a moderate amount of facilities and vehicles can expect to complete their reporting in 20 to 30 hours. Businesses with a large amount of facilities can expect to complete their reporting in approximately 40 hours. The cost to the business is expected to be the number of hours expected multiplied by the cost for staffing per hour and the lost revenue from the employee assigned to collect information. The cost of the one-time large entity reporting for all New York entities combined is estimated to be approximately \$4.8 million.

New York State currently maintains personnel and equipment to administer the LEV program. No additional costs will be incurred by local governments for the administration of this program.

5. Economic and technological feasibility:

Most commercial medium- and heavy-duty vehicles operate less than 100 miles per day and operate from fixed locations. There are numerous models of medium- and heavy-duty zero-emission vans, trucks and buses from several manufacturers currently available, which are ideally suited to serve local and last-mile operations. It is expected that a growing number of ZEVs across all vehicle classes will become suitable for more applications as technology advances.

The adopted amendments would reduce costs to the state's overall trucking fleet as the savings from reduced operational costs of ZEVs significantly outweigh the higher upfront vehicle purchase price (without application of incentives) and infrastructure costs. For battery-electric vehicles, the total cost of ownership is lower compared to diesel vehicles. Cost parity is anticipated to be achieved for a growing number of classes by 2035 as battery prices fall and technology improves. Incentives are currently available to offset some or all of the higher vehicle capital costs and some of the early infrastructure costs to help fleets begin transitioning to ZEVs now.

Several funding programs are available to support the use of advanced technologies administered by state agencies, federal agencies, and local air districts. Two such programs are the New York Truck Voucher Incentive Program (NYTVIP) administered by the New York State Energy and Research Development Authority and the New York City Clean Trucks Program administered by the New York City Department of Transportation. Currently, NYTVIP offers vouchers, or discounts to the initial purchase price, to eligible New York fleets that purchase Class 4-8 battery-electric and fuel cell vehicles. Vouchers for battery-electric and fuel cell vehicles currently cover 95 percent of the incremental cost of the electric vehicle. The incremental cost is the cost difference between the ZEV and a comparable diesel vehicle, up to a certain cap depending on vehicle class, per vehicle.

The New York City Clean Trucks Program also offers rebate incentives for Class 4-8 heavy-duty battery-electric vehicles that would be registered in the nine county New York Metropolitan Area and operated within, or near, New York City Industrial Business Zones that are located near

disadvantaged communities. The New York City Clean Trucks Program electric vehicle incentives are aligned with NYTVIP.

The New York Public Service Commission has also approved a Medium- and Heavy-Duty Fleet Make-Ready Pilot Program. The Pilot Program focuses on disadvantaged communities and offers incentives to mitigate the cost of developing Electric Vehicle charging capacity for qualifying medium- and heavy-duty vehicle fleets. The incentives cover up to 90 percent of the utility-side make-ready costs.

6. Minimizing adverse impact:

The adopted changes apply statewide. The regulation attempts to minimize adverse impacts on medium- and heavy-duty vehicle manufacturers by offering various compliance flexibility mechanisms. These include weight class modifiers, near zero emission vehicle (NZEV) credit provisions, and credit averaging-banking-trading (ABT) programs. The weight class modifier provides flexibility allowing manufacturers to produce more ZEVs in one vehicle class to avoid having to produce a small number of ZEVs in other groups. Credit is also given for NZEVs through model year 2035. Credits may be banked, traded, and sold among vehicle classes and to other manufacturers. The regulation is not expected to have adverse impacts on medium- and heavy-duty vehicle dealers. The Department is minimizing the reporting requirement for large entities that own or operate medium- and heavy-duty vehicles by requiring entities to only report once.

There will be no adverse impact on local governments who own or operate vehicles in the state because they are subject to the same requirements as those imposed on owners of private vehicles. This rulemaking is not a local government mandate pursuant to Executive Order 17. This regulation contains exemptions for emergency vehicles, and military tactical vehicles and equipment.

7. Small business and local government participation:

The Department held a virtual public hearing after the amendments were proposed. Small businesses and local governments had the opportunity to attend this public hearing. Additionally, a public comment period was held in which interested parties could submit written comments. 2,323 comments were received.

8. For rules that either establish or modify a violation or penalties associated with a violation:

In accordance with NYS State Administrative Procedures Act (SAPA) Section 202-b, this rulemaking does not include a cure period because the Department is undertaking this rulemaking to maintain identity with Section 177 of the Clean Air Act.

Revised Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The New York State Department of Environmental Conservation (Department) is adopting amendments to 6 NYCRR Section 200.9 and 6 NYCRR Part 218 to incorporate California's Advanced Clean Truck (ACT) standards for medium- and heavy-duty trucks, which became effective March 15, 2021 in California.

There are no requirements in the adopted regulation which apply only to rural areas. These changes apply to manufacturers' requirements for the manufacture and sale of medium- and heavy-duty zero emission vehicles (ZEVs) sold in New York. The adopted revisions may have an adverse impact on businesses involved in manufacturing, selling, servicing, or purchasing medium- and heavy-duty vehicles.

The adopted changes are revisions to the current low emission vehicles (LEV) standards. New York State has had the California on-road motor vehicle emissions program in effect since model year 1993 for passenger cars and light-duty trucks, with the exception of model year 1995, medium-duty vehicles since model year 2004, and heavy-duty vehicles for model years 2005 through 2007; the Department is unaware of any adverse impact to rural areas as a result. The beneficial emission reductions from the program accrue to all areas of the state.

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

There are no specific requirements in the adopted regulation which apply exclusively to rural areas. Under the adopted amendments, large entities that operate medium and heavy-duty trucks in New York would be required to submit a one-time reporting requirement of aggregated and binned data for representative facilities. Entities would also be able to report binned, representative information about the vehicle types owned. Large entities would include, but not be limited to; retailers, manufacturers, refiners, hotels, drayage terminal operators, utility providers, refuse companies, federal, state, and local government agencies, and other types of large employers. Professional services are not anticipated to be necessary to comply with the adopted rules.

Medium- and heavy-duty vehicle manufacturers will be required to submit annual compliance reports to the Department to demonstrate compliance with the adopted regulations. The reporting requirements are expected to be similar to existing light-duty reporting requirements. Professional services are not anticipated to be necessary to comply with the rules.

3. Costs:

The adopted revisions are expected to result in additional costs for New York State consumers of medium- and heavy-duty vehicles. The one-time large entity reporting requirement is estimated to have a total cost of \$4.8 million for all subject entities in New York State. Consumers of medium- and heavy-duty vehicles will also face increased upfront purchase costs for new zero emission vehicles, primarily from the cost of battery packs. Increased purchase costs are expected to be offset in part by state and federal purchase rebates and reduced operation and maintenance costs relative to gasoline and diesel fueled vehicles. Medium- and heavy-duty vehicles are anticipated to achieve cost parity with conventionally fueled vehicles by 2035 without state or federal rebates.

Medium- and heavy-duty vehicle manufacturers will likely see increased costs to produce and deliver compliant vehicles to the New York market. These costs are anticipated to be passed thought to consumers in the form of increased purchase prices. Dealerships will be required to ensure that the vehicles they sell are California certified. Starting with the 1993 model year for light-duty vehicles, the 2004 model year for medium-duty vehicles, and the 2005 model year for heavy-duty vehicles, most manufacturers have included provisions in their ordering mechanisms to ensure that only California certified vehicles are shipped to New York dealers. The implementation of the regulation is not expected to be burdensome in terms of additional reporting requirements for dealers.

4. Minimizing adverse impact:

The adopted changes apply statewide. The regulation attempts to minimize adverse impacts on medium- and heavy-duty vehicle manufacturers by offering various compliance flexibility mechanisms. These include weight class modifiers, near zero emission vehicle (NZEV) credit provisions, and credit averaging-banking-trading (ABT) programs. The weight class modifier provides flexibility allowing manufacturers to produce more ZEVs in one vehicle class to avoid having to produce a small number of ZEVs in other groups. Credit is also given for NZEVs through model year 2035. Credits may be banked, traded, and sold among vehicle classes and to other manufacturers. The regulation is not expected to have adverse impacts on medium- and heavy-duty vehicle dealers. The Department is minimizing the reporting requirement for large entities that own or operate medium- and heavy-duty vehicles by requiring entities to only report once.

5. Rural area participation:

The Department held a virtual public hearing to provide information on the proposed regulation and solicit public comments. Additionally, there was a public comment period in which interested parties could submit written comments. 2,323 comments were received.

Revised Job Impact Statement

1. Nature of impact:

The New York State Department of Environmental Conservation (Department) is adopting amendments to 6 NYCRR Section 200.9 and 6 NYCRR Part 218 to incorporate California's Advanced Clean Truck (ACT) standards for medium- and heavy-duty trucks, which became effective March 15, 2021 in California.

The adopted amendments to the regulations may adversely impact jobs and employment opportunities in New York State. New York State has had the California on-road motor vehicle emissions program in effect since model year 1993 for passenger cars and light-duty trucks, with the exception of model year 1995, medium-duty vehicles since model year 2004, and heavy-duty vehicles for model years 2005 through 2007. The Department is unaware of any significant adverse impact to jobs and employment opportunities as a result of previous revisions.

2. Categories and numbers affected:

The adopted revisions may have an adverse impact on businesses involved in manufacturing, selling, servicing, or purchasing medium- and heavy-duty vehicles. Medium- and heavy-duty vehicle manufacturers are expected to incur costs to comply with the regulation. The regulation will require an increasing percentage of annual medium- and heavy-duty vehicle sales be zero emission vehicles (ZEVs) for model years 2025 through 2035. The Department is unaware of any manufacturing of medium- and heavy-duty vehicles subject to the ACT regulation in New York State. As a result, no significant job losses in this sector are expected within the State. Most, if not all, medium- and heavy-duty vehicle manufacturers will have to allocate resources to produce a greater quantity of California compliant zero emission medium- and heavy-duty vehicles to supply the New York market along with associated record keeping, reporting, and warranty costs.

Dealerships will be able to sell California certified vehicles to buyers from states bordering New York. Since vehicles must be California certified in order to be registered in New York, New York residents will not be able to buy non-complying vehicles out-of-state but may be able to buy complying vehicles out-of-state. These businesses compete within the state and generally are not subject to competition from out-of-state businesses. Therefore, the regulation is not expected to impose a competitive disadvantage on affiliated businesses, and there would be no change from the current relationship with out-of-state businesses.

Ancillary businesses such as gas stations, repair shops, and parts retailers may be adversely impacted as the medium- and heavy-duty vehicle fleet transitions from gasoline and diesel fueled internal combustion engines to battery electric and other zero emission propulsion systems. It is anticipated that any losses in these sectors will be offset by increased employment opportunities in fields related to electric vehicle charging infrastructure and training technicians to service new medium- and heavy-duty ZEVs.

3. Regions of adverse impact:

None.

4. Minimizing adverse impact:

The regulation attempts to minimize adverse impacts on medium- and heavy-duty vehicle manufacturers by offering various compliance flexibility mechanisms. These include weight class modifiers, near zero emission vehicle (NZEV) credit provisions, and credit averaging-banking-trading (ABT) programs. The weight class modifier provides flexibility allowing manufacturers to produce more ZEVs in one vehicle class to avoid having to produce a small number of ZEVs in other groups. Credit is also given for NZEVs through model year 2035. Credits may be banked, traded, and sold among vehicle classes and to other manufacturers.

The regulation is not expected to have adverse impacts on medium- and heavy-duty vehicle dealers. Dealerships will be required to ensure that the vehicles they sell are California certified. Starting with the 1993 model year for light-duty vehicles, the 2004 model year for medium-duty vehicles, and the 2005 model year for heavy-duty vehicles, most manufacturers have included provisions in their ordering mechanisms to ensure that only California certified vehicles are shipped to New York dealers. The implementation of the regulation is not expected to be burdensome in terms of additional reporting requirements for dealers. There would be no change in the competitive relationship with out-of-state businesses.

5. Self-employment opportunities:

None that the Department is aware of at this time.

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 Environmental Conservation (Department) is proposing to amend 6 New York Codes, Rules, and Regulations, Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines, to incorporate California's Advanced Clean Trucks (ACT) zero emission vehicle (ZEV) standards for medium- and heavy-duty (MHD) vehicles.

Most commenters including vehicle manufacturers and environmental groups supported the Department's ACT adoption. The remainder, primarily trade associations representing engine manufacturers, the petroleum industry, renewable natural gas, agriculture, and food industry, were opposed to the regulation. Comments covered topics including general support for and opposition to the regulation, manufacturer ZEV sales mandate, alternative fuel types to ZEVs, early ZEV credits, ZEV mandate support, lead time requirement, delay ACT for future California revisions, vehicle design lifecycle, delay ACT for pending federal standards, Transportation Advisory Panel recommendations, supporting polices, New York businesses at a competitive disadvantage, ZEV purchase costs, out-of-state sales, lack of adequate investments, need for a multi-prong approach, identity, vehicle availability, legal issues, redefining near-zero, large entity reporting requirements, cost, pre-buy/no-buy, total cost of ownership, environmental and public health benefits, fuels, miscellaneous, and topics that were beyond the scope of this rulemaking.

Most commenters supported the Department's ACT adoption citing New York's climate change goals and the requirements of the Climate Leadership and Community Protection Act (CLCPA), Chapter 106 of the Laws of 2019. Several stated adoption of MHD ZEV standards was vital given the transportation sector's disproportionate impact on mobile source criteria pollutant and greenhouse gas (GHG) emissions. Other commenters supported adoption of MHD ZEVs in general, but stated ACT was the incorrect mechanism to achieve this goal. These commenters advocated for proposed federal standards. The Department emphasized the importance of ACT adoption for both criteria and GHG pollutant reduction, to support the GHG emission reduction requirements of the CLCPA (see Environmental Conservation Law Article 75), and to support the statutory goal that one hundred percent zero-emissions MHD vehicles in the State by 2045 as set forth in recently adopted legislation (Chapter 423 of the Laws of 2021).

Comments were received in support and opposition to the manufacturer ZEV sales mandate. Some commenters stated the mandates were achievable and early credit provisions provided flexibility. Other commenters stated the ZEV sales mandate was a "naked sales requirement" without supporting investments in incentives and charging infrastructure. Com-

menters also stated that businesses and consumers would not purchase MHD ZEVs without corresponding ZEV purchase requirement. New York state has supporting programs and will evaluate these programs to determine if they should be expanded or if additional programs are needed.

Commenters stated the ACT regulation needed to consider alternative fuel options. Commenters stated renewable natural gas (RNG) vehicles provided an immediate emission reduction benefit, increased vehicle availability, and the ACT regulation should be revised to allow their use. The proposed changes did not meet the identity provisions of Section 177 of the Clean Air Act (CAA), nor the requirements of the CLCPA. RNG fuels and vehicles would not be banned under the ACT regulation.

Commenters requested limiting early ZEV credits to one year. This is not possible due to the identity provisions of Section 177.

Commenters stated support for ZEV mandates and noted the concept is similar to existing light-duty ZEV mandates. Commenters stated the manufacturer ZEV sales requirement was a necessary first step and manufacturers had many options for promoting vehicle sales. The Department agreed.

The Department received comments in support and opposition to the proposed lead time provisions. Supporters stated New York had authority to adopt for model year 2024. Other commenters asserted the State should adopt the definition incorporated in California and U.S. Environmental Protection Agency (EPA) regulations, which states that the model year for MHD vehicles is the same as the calendar year. The Department's position is that the lead time definition in Section 177 requires the proposed regulation to be adopted prior to January 2, 2022 to provide two years lead time since the 2025 model year starts as early as January 2, 2024. The Department would use the definition of model year as being the calendar year for implementation and enforcement of the ACT regulation.

Several commenters encouraged the Department to delay ACT adoption until California incorporated a 100% ZEV sales mandate. California adopted its ACT standards March 15, 2021. The 100% sales mandate refers to a separately proposed Advanced Clean Fleets (ACF) rulemaking, which does not require a delay in New York's proposed ACT rulemaking.

Several commenters encouraged the Department to delay adoption of the proposed standards due to pending federal standards. New York strongly supports a federal program that would significantly lower emissions from internal combustion engines. However, relying on prospective federal action risks failing to meet CLCPA emission reduction requirements.

Several commenters state investments in purchase incentives and charging infrastructure are required before ACT could be successfully adopted. The development of these complementary programs is outside of the scope of this rulemaking.

Some commenters stated ACT adoption in New York would place New York businesses at a competitive disadvantage with out-of-state businesses or would result in a "patchwork" of state standards. There will not be a "patchwork" of state standards. There will be one set of stringent, advanced MHD ZEV standards as adopted in California and those Section 177 states that adopt the ACT regulation. There is no federal MHD ZEV program available as an alternative.

Several commenters stated MHD ZEVs have purchase costs several times higher than comparable conventional vehicles. MHD ZEV trucks are expected to achieve total cost of ownership parity with conventional trucks for most vehicle classes within the regulatory timeframe. MHD ZEV trucks generally have lower operation and maintenance costs than conventional vehicles due to lower fuel costs, fewer components, and less required maintenance.

Several commenters stated ACT adoption would result in reduced vehicle sales tax collections due to New York businesses purchasing new vehicles out-of-state. Also, New York businesses may relocate out-of-state to reduce operating expenses resulting in a loss of jobs. Out-of-state vehicle purchases by New State businesses may result in decreased sales tax revenues for New York State. Conversely, out-of-state businesses and consumers routinely purchase vehicles in New York, which may result in sales tax gains for New York. While some businesses may choose to relocate out-of-state to reduce operating costs, this is a business decision made by each company on an individual basis and involves numerous factors beyond adoption of the ACT regulation.

Commenters asserted the ACT rulemaking did not meet the identity provisions of Section 177. They allege the fleet mix is different in New York and results in a different standard than California's. They also allege California intends to revise the ACT regulation as part of the ACF rulemaking and that California and New York are intentionally hiding the ACT regulation in a different section of California Code. New York, and every other Section 177 state, will have a different mix of MHD vehicles than California. This variation represents differences in the application of the rule, rather than differences in the standard established by the rule. If New York were to require manufacturers to sell the same mix of sales for MHD vehicles as they do in California, this would create a "third vehicle"

standard. The proposed ACF Rule is a separate regulation and beyond the scope of this rulemaking. The Department takes exception to the comment and rejects the Commenter's assertion that California, and other states including New York, are intentionally hiding proposed rulemaking documents and standards. DEC will review the proposed ACF rule when it is complete and will make any subsequent New York rulemaking proposal readily available to all stakeholders.

Commenters stated MHD ZEVs were either unsuitable or unavailable to meet customer needs. Numerous commenters stated several dozen vehicle options exist today. Consumers will have a wide selection of MHD vehicles of varying fuel types to choose from when making a vehicle purchase. MHD ZEV manufacturers currently offer battery options based on varying vocational applications.

Commenters asserted that the ACT proposal has numerous legal and procedural issues. They allege New York is prohibited from adopting under Section 177 since it is in attainment of the ozone National Ambient Air Quality Standards (NAAQS). Commenters further allege that New York is prohibited from adopting ACT because EPA has not issued a waiver of preemption. The Department finds no legal or procedural issues that preclude New York from adopting ACT. New York has areas currently classified as serious non-attainment which justifies the need to adopt these regulations to achieve attainment with the NAAQS. Waiver of preemption is not necessary until California enforces its standards.

Commenters requested the Department revise the definition of near-zero emission vehicles and make the regulations less restrictive. New York must adopt identical standards under Section 177. Modifying the definition as requested would violate the identity provision. It would also lead to the creation of a "third vehicle" standard, which is preempted by federal law. There is no provision in Section 177 to make modifications that are "less restrictive".

Several commenters requested clarification of the large entity reporting dates and the reason for requiring the reporting information. The reporting date was incorrect in the draft Express Terms and has been revised to read April 1, 2023. Language was added to the Express Terms to clarify that report information must be retained until December 31, 2025. Information collected under ACT's one-time large entity reporting requirement will be used to inform future regulatory activities, target infrastructure build-out, and identify areas potentially adversely impacted by MHD ZEV truck operations.

Commenter asserted ACT was not a final regulation due to the proposed ACF rulemaking, and the New York cost analysis was therefore incomplete. They also assert that "de minimis" emission reductions do not justify the high costs of ACT adoption. The Department's fiscal and economic analysis was completed for the ACT rule and is not dependent on CARB's separate ACF regulatory proposal. The "de minimis" argument is irrelevant considering the State's legally mandated CLCPA targets to reduce GHG emissions from all sectors.

Commenters asserted ACT adoption will result in significant pre-buy/no-buy responses from businesses considering new truck purchases. They will accelerate vehicle purchases to buy diesel trucks rather than buy compliant ZEVs, or they will forego purchases altogether. Pre-buy/no-buy effects are difficult to predict. In certain situations, the pre-buy/no-buy effect has been absent; and in other cases, the effect has been observed but short lived.

Many commenters stated MHD ZEVs have lower total cost of ownership than comparable diesel trucks. The Department agreed. Other commenters stated most New York trucking companies are small businesses and will have difficulty affording increased purchase prices of MHD ZEVs. The proposed ACT standards does not ban the sale or use of diesel MHD vehicles. Individual small businesses will continue to have a wide selection of MHD vehicles with various power sources to consider when making a vehicle purchase. Incentives to help offset the higher initial purchase price of MHD ZEV trucks are available.

Numerous commenters commented on the adverse environmental and health impacts of diesel trucks, particularly in disadvantaged communities. Other commenters commented on the advantages of RNG vehicles and a perceived failure to account for all upstream and mining emissions associated with ZEVs. Also, commenters asserted MHD ZEVs would result in increased emissions, particulate matter, and infrastructure damage. The Department emphasizes improving air quality in disadvantaged communities. RNG vehicles are not prohibited by ACT. Upstream emissions were accounted for in the Department's analysis. Mining emissions are beyond the scope. The Department believes truck operators will replace diesel trucks with ZEVs on a one-for-one basis and manufacturers must produce vehicles that meet customer needs. The Department analysis does not predict an increase in particulate matter from ZEVs. Infrastructure is beyond the scope of this rulemaking.

Department of Financial Services

EMERGENCY RULE MAKING

Indices Which May be Used for Variable Rate Loans Subject to the Requirements of Parts 33, 80, 90, 91 and 97 of Title 3 NYCRR

I.D. No. DFS-03-22-00001-E

Filing No. 1321

Filing Date: 2021-12-29

Effective Date: 2021-12-29

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

Action taken: Amendment of Parts 333 and 334 of Title 3 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Banking Law, sections 10, 14, 108.4, 108.5, 202, 235.8-b, 351.2, 590-a.3; Personal Property Law, sections 303, 404 and 413

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

Specific reasons underlying the finding of necessity: Pursuant to the Banking Law and Personal Property Law, the Department of Financial Services is required to approve indices that can be used as benchmarks to set interest rates for certain variable interest rate loans. The approved indices are specified in Parts 333 and 334 of Title 3 of the NYCRR. The London Inter-Bank Offered Rate ("LIBOR") is a major benchmark index commonly used by the industry and both Parts 333 and 334 have listed one month, three-month, six-month, and one year LIBOR as approved benchmark rates.

After several articles were published speculating that LIBOR was being manipulated by the banks that calculated the rate, a number of civil and criminal investigations were opened into the potential manipulation. The investigations confirmed the manipulation and substantial penalties were imposed on the banks that participated in this scheme.

With the revelation of the rate manipulations, LIBOR was deemed to be an unreliable benchmark and a decision was made to phase out LIBOR entirely. Currently, one week and two-month dollar denominated LIBOR rates are set to expire at the end of 2021. All other dollar denominated LIBOR rates are set to expire in June 2023.

Further, the Federal Reserve Board of Governors, Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency jointly stated that, given the risks of using an index that will be discontinued, the agencies "believe entering into new contracts that use USD LIBOR as a reference rate after December 31, 2021, would create safety and soundness risks and will examine bank practices accordingly." Accordingly, any institution that is jointly regulated by the Department and a federal agency that adopts the position outlined in the joint statement will need to start using a new benchmark as of January 1, 2022 or risk being found to be operating in an unsafe and unsound manner.

The emergency adoption of this regulation is necessary to authorize the use of other benchmark indices before the end of year, and to enable institutions to use the Secured Overnight Financing Rate as a replacement benchmark for certain tenors starting January 1, 2022.

Subject: Indices Which May be Used for Variable Rate Loans Subject to the Requirements of Parts 33, 80, 90, 91 and 97 of Title 3 NYCRR.

Purpose: The amendments to Parts 333 and 334 approve the use of the Secured Overnight Financing Rate ("SOFR") as a benchmark for certain variable interest rate loans. The London Inter-Bank Offered Rate ("LIBOR") index is being phased out. SOFR is expected to be the main alternative benchmark used by financial institutions in the United States. SOFR has also been approved by federal banking regulators as an alternative to LIBOR.

Text of emergency rule: Section 333.1 is amended to add a new subdivision (i) to read as follows:

(i) *the indices for one-month, three-month, and six month Secured Overnight Financing Rate (SOFR) as published by the Federal Reserve Bank of New York.*

Section 334.1 is amended to read as follows:

The following indices are approved by the superintendent for use in connection with variable rate junior mortgage loans made pursuant to Part 80 of this Title by licensees as defined thereunder, in connection with variable rate retail instalment credit agreements established pursuant to Part 91 of this Title by retail sellers or creditors as defined thereunder, and in

connection with variable rate closed-end retail instalment contracts and obligations entered into pursuant to Part 92 of this Title by retail sellers or holders as defined thereunder:

- (a) the bank prime loan index;
- (b) the indices for one-month, three-month or six-month certificates of deposit sold in the secondary market;
- (c) the indices for the auction averages from the sale of United States three-month, six-month or one-year Treasury bills;
- (d) the indices for three-month, six-month or one-year Treasury bills sold in the secondary market;
- (e) the indices for the one-year, two-year, three-year, five-year, seven-year, ten-year, twenty-year or thirty-year constant maturity yield for United States Treasury securities; [and]
- (f) the prime rate as published in The Wall Street Journal[.];
- (g) the indices for one-month, three-month, six-month and one year London Interbank Offered Rate (LIBOR) as published in The Wall Street Journal[.]; and
- (h) the indices for one-month, three-month, and six month Secured Overnight Financing Rate (SOFR) as published by the Federal Reserve Bank of New York.

All the indices listed above, except (f), [and] (g) and (h) are published and announced by the Board of Governors of the Federal Reserve System in such publications as The Federal Reserve Bulletin, H.15, G.13, etc. With respect to any indices listed under subdivisions (a) through (e) of this section which provide daily rates and also weekly and monthly averages of such daily rates, this Part allows use of either the daily rate or the weekly or monthly average rate for such index. In the event of split rate figures for the prime rate as published under subdivision (f) of this section, the licensee, retail seller or creditor, or retail seller or holder shall use the low figure except where use of the high figure or an average of the two figures is provided by contract and disclosed to the borrower or buyer. Except as provided above, averaging of index figures is prohibited.

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 March 28, 2022.

Text of rule and any required statements and analyses may be obtained from: George Bogdan, Department of Financial Services, One State Street, New York, NY 10004-1417, (212) 480-4758, email: george.bogdan@dfs.ny.gov

Regulatory Impact Statement

1. Statutory Authority: Financial Services Law Sections 202 and 302; Banking Law Sections 10, 14, 108.4, 108.5, 202, 235.8-b, 351.2, and 590-a.3; and Personal Property Law Sections 303, 404, and 413.

Financial Services Law (“FSL”) Section 202 establishes the office of the Superintendent of Financial Services (“Superintendent”) and provides the Superintendent with broad rights, powers, duties and discretion with respect to matters under the Financial Services Law, the Banking Law, and the Insurance Law. FSL Section 302 sets forth the power of the Superintendent to prescribe, withdraw or amend rules and regulations involving financial products and services, including in effectuating and interpreting the provisions of the Financial Services Law, the Banking Law (“BL”), and the Insurance Law, and in governing the procedures to be followed in the practice of the Department.

BL Section 10 sets forth a declaration of policy, including that banking institutions will be regulated in a manner to insure safe and sound conduct and maintain public confidence. BL Section 14 references, without limitation, the policy of BL Section 10 and sets forth certain powers of the Superintendent under the BL, including the power to “make, alter and amend orders, rules and regulations not inconsistent with law”.

Numerous statutory provisions in the BL and the Personal Property Law govern variable interest rate loans. Pursuant to Sections 14.1, 108.4, 108.5, 202, 235.8-b, 351.2, and 590-a.3 of the BL, and Sections 303.4, 404.4, and 413.3 of the Personal Property Law, certain types of variable interest rate loans may only be made in accordance with benchmark indices approved by the Department of Financial Services (“Department”).

The Department has promulgated numerous rules to regulate specific types of variable rate lending. 3 NYCRR 33 governs variable rate closed-end personal loans. 3 NYCRR 80 governs variable rate junior mortgage loans. 3 NYCRR 90 governs variable rate open-end accounts established by banking institutions. 3 NYCRR 91 governs variable rate installment agreements. 3 NYCRR 92 covers variable rate closed-end retail installment contracts and obligations. This entire series of regulations requires use of benchmark indices to do interest rate calculations. The Department lists these approved benchmarks in Parts 333 and 334 of Title 3 of the NYCRR.

2. Legislative Objectives: By requiring the Department to approve benchmark indices that may be used to set rates for certain variable interest rate loans, the Legislature intended to protect consumers against

potential abuse by ensuring that only rates that are not subject to manipulation are used. This is evident, for example, in the language of Section 590-a(3) of the Banking Law, which specifies that approved indices must be “(a) readily available, (b) independently verifiable, (c) beyond the control of the licensee, and (d) approved by the superintendent.”

Parts 333 and 334 must be amended to serve this legislative objective. The London Inter-Bank Offered Rate (“LIBOR”) is a major benchmark index commonly used by the industry and both Parts 333 and 334 have listed one month, three-month, six-month and one year LIBOR as approved benchmark rates. Unfortunately, multiple civil and criminal investigations in recent years have shown that the LIBOR index was being manipulated by the banks that calculated the rate.

With the revelation of the rate manipulations, LIBOR was deemed to be an unreliable benchmark and a decision was made to phase out LIBOR entirely. Currently, one week and two-month dollar denominated LIBOR rates are set to expire at the end of 2021. All other dollar denominated LIBOR rates are set to expire in June 2023.

Accordingly, the Department is amending Parts 333 and 334 to make the Secured Overnight Financing Rate (“SOFR”) available as an alternative benchmark for pricing variable rate loans.

3. Needs and Benefits: The Department regulates more than 250 state-chartered banks and licensed foreign bank branches and agencies in New York, and a variety of other entities engaged in delivering financial services to the residents of New York State. Any of these institutions that offer certain variable interest rate products need to set the rate in accordance with indices approved by the Department. Historically, LIBOR was a common index widely used to set variable interest rates. With LIBOR set to expire soon, the Department needs to approve a new index that can be used to set rates. The need to approve new benchmark indices is important now as several federal regulators, some of which the Department shares oversight of its regulated institutions, have announced that they will consider it an unsafe and unsound practice to set rates using LIBOR after December 31, 2021. Approving the SOFR benchmark, the same rate that federal regulators have approved, will allow the Department’s regulated institutions to continue to make variable rate loans without engaging in practices that the federal regulators have deemed to be an unsafe or unsound.

4. Costs: The new regulation does not increase the costs imposed on regulated industries or anyone else.

5. Local Government Mandates: The amendments do not impose any mandates on local governments.

6. Paperwork: The proposed amendments do not create any new reporting, recordkeeping or other compliance requirements for any regulated business whether it is large or small

7. Duplication: The regulation does not duplicate, overlap or conflict with any other regulations.

8. Alternatives: The purpose of the amendment is to add an additional approved index to Parts 333 and 334 to facilitate the transition away from LIBOR. There is no rational alternative but to amend the regulations that already specify the benchmarks approved by the Department.

9. Federal Standards: Federal law does not govern the rates used for these variable loans in a strict sense. Nonetheless, many companies regulated by the Department are also subject to federal regulations and supervision. Accordingly, the Department believes it is best if its regulations are harmonious with federal regulations and policy standards.

The Consumer Finance Protection Bureau (“CFPB”) has amended its Regulation Z to facilitate the transition away from LIBOR. CFPB will allow its regulated institutions to use SOFR benchmarks. Amendments to Regulation Z concerning LIBOR and SFOR will be phased in over a 2 year period. See https://files.consumerfinance.gov/f/documents/cfpb_facilitating-libor-transition_final-rule_2021-12.pdf.

Further, the Federal Reserve Board of Governors, Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency have jointly stated that, given the risks of using an index that will be discontinued, the agencies “believe entering into new contracts that use USD LIBOR as a reference rate after December 31, 2021, would create safety and soundness risks and will examine bank practices accordingly.” See <https://www.federalreserve.gov/newsevents/pressreleases/files/bcreg20201130a1.pdf>. Accordingly, any institution that is jointly regulated by the Department and a federal agency that adopts the position outlined in the joint statement will need to start using a new benchmark as of January 1, 2022 or risk being found to be operating in an unsafe and unsound manner.

10. Compliance Schedule: The emergency regulations are effective immediately.

Regulatory Flexibility Analysis

The purpose of the proposed amendments is to add an additional index that regulated entities may use to make certain variable interest rate loans. This additional index is necessary because the London Inter-Bank Offered

Rate (“LIBOR”) index will become obsolete in the near future. The amendments impose no reporting, recordkeeping, or other compliance requirements on public or private entities. Therefore, the amendments will not impose any adverse impacts on local government or small businesses.

Rural Area Flexibility Analysis

The purpose of the proposed amendments is to add an additional index that regulated entities may use to make certain variable interest rate loans. This additional index is necessary because the London Inter-Bank Offered Rate (“LIBOR”) index will become obsolete in the near future. Therefore, the amendments will not impose any adverse impacts on rural areas or any new or heightened reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas. The proposed amendments do not distinguish between regulated parties located in rural, suburban, or metropolitan areas of New York State, but apply universally throughout the state.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. The purpose of the amendments is to add an additional index that regulated entities may use to make certain variable interest rate loans. This additional index is necessary because the London Inter-Bank Offered Rate (“LIBOR”) index will become obsolete in the near future.

Department of Health

NOTICE OF ADOPTION

Reducing Biannual Testing of Adult Care Facility Staff

I.D. No. HLT-22-21-00003-A

Filing No. 4

Filing Date: 2022-01-03

Effective Date: 2022-04-19

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

Action taken: Amendment of sections 487.9, 488.9 and 490.9 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 461 and 461-1

Subject: Reducing Biannual Testing of Adult Care Facility Staff.

Purpose: To remove the requirement for biannual testing of adult care workers.

Text of final rule: Clause (a) of subparagraph (ii) of paragraph (8) of subdivision (a) of section 487.9 is amended to read as follows:

(a) [a ppd (Mantoux) skin test for tuberculosis] *an initial individual tuberculosis (TB) risk assessment, symptom evaluation, and TB test (either tuberculin skin test or blood assay approved by the Food and Drug Administration for the detection of latent tuberculosis infection)* [within 30 days] prior to employment and *subsequent annual assessments* [no less frequently than every two years] after employment begins; positive findings shall require appropriate clinical follow-up [but no repeat skin test]. *The operator shall develop and implement policies regarding positive findings, including procedures for facilitating and documenting treatment for latent TB infection where indicated. The annual TB assessments shall include education, individual risk assessment, and follow-up tests as indicated; and*

Clause (a) of subparagraph (ii) of paragraph (5) of subdivision (a) of section 488.9 is amended to read as follows:

(a) [a ppd (Mantoux) skin test for tuberculosis] *an initial individual tuberculosis (TB) risk assessment, symptom evaluation, and TB test (either tuberculin skin test or blood assay approved by the Food and Drug Administration for the detection of latent tuberculosis infection)* [within 30 days] prior to employment and *subsequent annual assessments* [no less frequently than every two years] after employment begins; positive findings shall require appropriate clinical follow-up [but no repeat skin test]. *The operator shall develop and implement policies regarding positive findings, including procedures for facilitating and documenting treatment for latent TB infection where indicated. The annual TB assessments shall include education, individual risk assessment, and follow-up tests as indicated; and*

Clause (a) of subparagraph (ii) of paragraph (6) of subdivision (a) of section 490.9 is amended to read as follows:

(a) [a ppd (Mantoux) skin test for tuberculosis] *an initial individual tuberculosis (TB) risk assessment, symptom evaluation, and TB test (either tuberculin skin test or blood assay approved by the Food and Drug Administration for the detection of latent tuberculosis infection)* [within 30 days] prior to employment and *subsequent annual assessments* [no less frequently than every two years] after employment begins; positive findings shall require appropriate clinical follow-up [but no repeat skin tests]. *The operator shall develop and implement policies regarding positive findings, including procedures for facilitating and documenting treatment for latent TB infection where indicated. The annual TB assessments shall include education, individual risk assessment, and follow-up tests as indicated; and*

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 487.9, 488.9 and 490.9.

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

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

Changes made to the last published rule do not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, 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 Health (the Department) received comments regarding the proposed amendments to Sections 487.9, 488.9, and 490.9 of Title 18 of the New York Codes, Rules and Regulations. The comments and the Department’s responses are summarized below.

Comment: A public health agency stated that the regulations do not adequately stress the importance of assessment after known exposure.

Response: Post exposure assessment should be covered by infection control guidance and facility policies.

Comment: A commenter asked the Department to clarify the meaning of the phrase “positive findings” in the regulation.

Response: A positive finding can be a positive TB test result or information obtained in the annual TB risk assessment that requires further action/investigation.

Comment: A commenter asked if the intention of the regulation is to eliminate a re-test requirement after a negative baseline.

Response: The proposed changes ensure that after a TB baseline is established (either positive or negative), there is enhanced awareness of TB risk factors, facilitation of latent TB treatment, and promotion and dissemination of TB information/education. The annual TB assessments must include education, individual risk assessment, and follow-up tests as indicated.

Comment: A public health agency recommended that the regulation reflect the State’s authorized use of Interferon-Gamma Release Assays (IGRAs) and therefore leave in place the requirement for a repeat tuberculosis infection test.

Response: Forthcoming guidance documents will address two-step tuberculin skin testing where indicated, as well as more detail on IGRA tests.

Comment: A commenter pointed out that not all adult care facilities have medical staff and suggested that the regulation clarify that the operator of the adult care facility is responsible for developing and implementing policies.

Response: The Department agrees with this commenter, and the final regulation clarifies that the “operator” is required to develop and implement policies, not the “medical staff.”

Comment: One commenter stated that after the baseline tuberculosis test, annual assessments should be conducted during the employee’s annual health assessment.

Response: The Department agrees that after the initial baseline TB testing, the annual TB risk assessment can be conducted at the time of the employee annual health screening, in accordance with any further guidance.

Comment: One commenter stated that the Department should authorize the clinicians who may conduct the tuberculosis assessment, including the education, individual risk assessment, and follow-up tests as indicated.

Response: The annual TB risk assessment can be conducted by any licensed medical professional acting within the scope of their practice, including physicians, physicians’ assistants, nurse practitioners, or registered professional nurses working under physician supervision.

NOTICE OF ADOPTION

Stroke Services

I.D. No. HLT-22-21-00005-A

Filing No. 5

Filing Date: 2022-01-03

Effective Date: 2022-01-19

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

Action taken: Amendment of section 405.34(g) of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2803

Subject: Stroke Services.

Purpose: Amend transition period for existing stroke centers to allow the Department to extend the three year transition period, if necessary.

Text or summary was published in the June 2, 2021 issue of the Register, I.D. No. HLT-22-21-00005-P.

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

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

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The Department of Health (Department) received one comment regarding the proposed amendment.

COMMENT: Greater New York Hospital Association supports the proposed amendment and the suggested modifications to the transition timeline to allow the Department to extend the allowable time for hospitals designated as stroke centers to become certified by an approved accrediting organization beyond March 2022.

RESPONSE: The Department acknowledges and appreciates the support of Greater New York Hospital Association for this regulation.

NOTICE OF ADOPTION

Labeling Requirements Concerning Vent-Free Gas Space Heating Appliances

I.D. No. HLT-22-21-00010-A

Filing No. 3

Filing Date: 2022-01-03

Effective Date: 2023-01-19

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

Action taken: Amendment of Part 71 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 206(1)(r); General Business Law, section 322-c(a)

Subject: Labeling Requirements Concerning Vent-Free Gas Space Heating Appliances.

Purpose: To adjust the current labeling requirements for unvented gas space heating appliances.

Text or summary was published in the June 2, 2021 issue of the Register, I.D. No. HLT-22-21-00010-P.

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

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

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Public Water Systems

I.D. No. HLT-28-21-00018-A

Filing No. 12

Filing Date: 2022-01-04

Effective Date: 2022-01-19

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

Action taken: Amendment of Subpart 5-1 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 225

Subject: Public Water Systems.

Purpose: To correct typographic and minor technical errors to obtain primacy for the implementation of Federal drinking water regulations.

Text or summary was published in the July 14, 2021 issue of the Register, I.D. No. HLT-28-21-00018-C.

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

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

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Abortion Services

I.D. No. HLT-32-21-00001-A

Filing No. 2

Filing Date: 2022-01-03

Effective Date: 2022-01-19

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

Action taken: Amendment of sections 756.3 and 756.4 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2803

Subject: Abortion Services.

Purpose: To protect and promote the health of New Yorkers seeking to access abortion services.

Text of final rule: Pursuant to the authority vested in the Commissioner of Health by Public Health Law section 2803, Section 756.3 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) is amended and Section 756.4 is repealed and replaced, to be effective upon publication of a Notice of Adoption in the New York State Register, to read as follows:

Section 756.3 is amended to read as follows:

The operator shall ensure that:

(a) prior to [performing] the [procedure] *abortion service*, the patient receives a [complete physical examination] *clinically relevant examination, which may be satisfied, when clinically appropriate, through a review of the patient's medical history and discussion of patient symptoms conducted through telemedicine.* [with appropriate tests for a positive pregnancy diagnosis and sonography if there is a question of gestational age, and] T[t]he results [are] *of such examination shall be* documented in the patient's medical record;

(b) after [the] a procedure, an evaluation of the [physical and emotional] status of the patient is made and documented in the patient's medical record;

(c) information and counseling about [alternative] methods of [birth control] *contraception* are made available [by a health care professional] to all patients who want such information;

(d) referral is made to another facility for family planning services, if not available at the center, and if desired by the patient; and

(e) [the determination of blood group and Rh type is made prior to the termination of pregnancy. The patient is evaluated for the risk of sensitization to Rho(D) antigen and,] *a determination of blood group and Rh type,*

if clinically indicated, is made in accordance with evidence based clinical guidelines. [i]f the use of Rh immune globulin is indicated and the patient consents, an appropriate dosage is administered within 72 hours after the termination of pregnancy.

Section 756.4 is REPEALED and a new section 756.4 is added to read as follows:

756.4 Health care practitioner services

The operator shall ensure that:

(a) a health care practitioner licensed, certified, or authorized under title eight of the education law, acting within such practitioner's lawful scope of practice, performs the abortion; and

(b) an abortion is performed only when, according to the practitioner's reasonable and good faith professional judgment based on the facts of the patient's case, the patient is within twenty-four weeks from the commencement of pregnancy, or there is an absence of fetal viability, or the abortion is necessary to protect the patient's life or health.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 756.3(a).

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

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

Changes made to the last published rule do not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

Fifteen (15) public comments were received from various stakeholders including but not limited to reproductive rights advocates, health care providers, civil rights advocates, individuals, and members of the New York State Assembly.

The comments and the Department's responses are summarized below.

Note: Of the 15 comments received, 13 contained the same content in support of these regulatory changes. The content of those comments are summarized in the first two comments below.

COMMENT: Numerous comments were received in support of the regulatory changes, highlighting the positive impact these updates will have in removing barriers to abortion access. Commenters noted that the proposed regulatory updates will better reflect current clinical standards of care, remove any unnecessary barriers that may impede access to abortion services, and better support provision of abortion through telehealth.

RESPONSE: These comments in support are noted by the Department. No change was made to the regulation in response to these comments.

COMMENT: Numerous comments were also received in support of removing the assessment of a person's emotional status following an abortion. Commenters praised that this change helps to eliminate abortion stigma from New York's Public Health Law.

RESPONSE: These comments in support are noted by the Department. No change was made to the regulation in response to these comments.

COMMENT: One commenter recommended that the Department repeal Section 756.3 in totality. This commenter stated that specific regulations for medical care that are clinically comparable to abortion do not exist and by keeping this language in regulation the Department is perpetuating the notion that the law regards abortion as a disfavored process.

RESPONSE: The Department views this regulation as an important affirmation of the rights of individuals to obtain abortion care in New York State. This regulation sets a minimum standard of care for abortion services which aligns with other nationally recognized standards of care developed by academic and professional service organizations. These standards are not meant to be punitive or restrictive in any way, but to ensure any individual obtaining an abortion in New York State is afforded quality care.

COMMENT: One commenter recommended that as part of this regulatory update and amendment, the Department should also update language in section 755.3(b)-(d) which outlines requirements related to the distribution of blood and blood products. This commenter suggests that the Department should expand the list of providers allowed to provide blood and blood products.

RESPONSE: This comment is outside of the scope of proposed regulatory changes. No changes were made as a result of this comment.

COMMENT: Comments were received that focused on the use of the term "abortion procedure" in the updated regulatory language. Commenters suggested minor updates to the proposed regulatory language in sec-

tion 756.3 including replacing the phrase, "prior to performing the procedure" with "prior to the abortion service" and striking and replacing "the" with "a" when referring to abortion services.

RESPONSE: The Department appreciates this feedback and agreed that language used in this regulation should be affirming in tone and impact. In response to these comments the Department has made insubstantial amendments to section 756.3 to more accurately reflect the purpose and intent of the regulation.

Department of Labor

EMERGENCY RULE MAKING

New York Health and Essential Rights Act (NY HERO Act)

I.D. No. LAB-34-21-00002-E

Filing No. 1

Filing Date: 2022-01-01

Effective Date: 2022-01-01

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

Action taken: Addition of section 840.1 to Title 12 NYCRR.

Statutory authority: State Administrative Procedure Act, section 202(6); Labor Law, sections 21(11) and 218-b

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

Specific reasons underlying the finding of necessity: This emergency regulation is necessary to implement the NY HERO Act and put necessary preparatory protections in place in the event of the NY Health Commissioner designation of an airborne infectious disease as a highly contagious communicable disease that presents a serious risk of harm to the public health. The Legislature, in adopting the HERO Act, required that the Department of Labor publish this standard in early July, and that employers adopt plans that comply with such requirements within 30 days of publication. To effectuate this legislative purpose, and to provide the protections of the HERO Act without delay, this emergency adoption is necessary to immediately enact these important rules and is necessary to public health, safety, and the general welfare, and provides protections to the employees in New York State and avoid future loss of life.

Subject: New York Health and Essential Rights Act (NY HERO Act).

Purpose: Airborne Infectious Disease Exposure Prevention Standard.

Substance of emergency rule (Full text is posted at the following State website: <https://dol.ny.gov/ny-hero-act>): The rule creates a new section of regulations designated as 12 NYCRR 840.1 entitled "Airborne Infectious Disease Exposure Prevention Standard." This section is summarized as follows:

- Section 840.1(a), "General Provisions," sets forth the general provisions including applicability of the regulation and definitions.
- Section 840.1(b), "Exposure Prevention Plan," sets forth the requirements for an employer adopted Exposure Prevention Plan to eliminate or minimize employee exposure to airborne infectious disease agents designated by the Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health.
- Section 840.1(c), "Exposure Controls," sets forth requirements for employers to select and obtain exposure controls appropriate for the exposure risks and requires that such controls be included in the employer's Exposure Prevention Plan.
- Section 840.1(d), "Anti-Retaliation," prohibits employers from retaliating against employees for exercising their rights under this regulation or an employer's Exposure Prevention Plan.

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. LAB-34-21-00002-EP, Issue of August 25, 2021. The emergency rule will expire March 1, 2022.

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

Regulatory Impact Statement

Statutory Authority: State Administrative Procedure Act (SAPA) § 202(6); Labor Law §§ 218-b, and 21(11).

Legislative Objectives: On May 5, 2021, Governor Andrew Cuomo signed the New York Health and Essential Rights Act (NY HERO Act) into law. The purpose of Section 1 of the NY HERO Act is to protect employees against exposure and disease during a future airborne infectious disease outbreak. The law mandates extensive new workplace health and safety protections in response to the COVID-19 pandemic, including the requirement that all private industry employers adopt an airborne infectious disease prevention plan, and to put such plans into effect if/when an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. The Act further directs the Department of Labor to develop, with the consultation of the Department of Health, a model standard for the prevention of airborne infectious diseases.

Needs and Benefits: This regulation is required by the NY HERO Act, and is both necessary and required for the implantation of that law. This regulation sets forth standards governing airborne infectious disease prevention plans, which employers are required to adopt. In addition to this regulation, in consultation with the NYS Department of Health, the Department has developed a new Model Airborne Infectious Disease Exposure Prevention Plan (template), and various industry-specific model plans (templates) for the prevention of airborne infectious disease. Employers can choose to adopt the applicable policy template/plan provided by NYS DOL or establish an alternative plan that meets or exceeds the standard's minimum requirements. Templates which meet the requirements of the standard/regulation were posted on the Department's website contemporaneously to the publication of the standard on July 6, 2021. While employers that choose to develop and adopt their own plan must closely review the Hero Act and the standard/regulation to ensure compliance with its requirements, employers may comply with these requirements through the adoption of a plan using a template developed by the Department of Labor.

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 Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. As no other affirmative actions are required unless and until the Commissioner of Health makes a designation under the HERO Act, the Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

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

Paperwork: This regulation is necessary to implement the NY HERO Act and does not impose any specific recordkeeping, reporting or other paperwork requirements beyond those inherent in the statute.

Duplication: This rulemaking does not duplicate, overlap, or conflict with any other state or federal requirements, and specifically exempts employment covered by a temporary or permanent standard adopted by the Occupational Safety and Health Administration setting forth applicable standards regarding COVID-19 and/or airborne infectious agents and diseases.

Alternatives: There were no significant alternatives considered.

Federal Standards: This rulemaking does not duplicate, overlap, or conflict with any other state or federal requirements, and specifically exempts employment covered by a temporary or permanent standard adopted by the Occupational Safety and Health Administration setting forth applicable standards regarding COVID-19 and/or airborne infectious agents and diseases.

Compliance Schedule: This emergency rulemaking shall become effective upon the date specified within the filing with the Department of State, and the rulemaking will be effective upon the publication of a notice of adoption in the State Register.

Regulatory Flexibility Analysis

Effect of Rule: The purpose and intent of this regulation is to implement Section 1 of the NY Hero Act through the adoption an Airborne Infectious Disease Prevention Standard.

Compliance Requirements: This regulation does not impose any requirements in addition to those imposed by the NY HERO Act, which requires employers to adopt an airborne infectious disease prevention plan. The regulation does not apply to governmental entities.

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

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

Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. As no other affirmative actions are required unless and until the Commissioner of Health makes a designation under the HERO Act, the Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

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

Minimizing Adverse Impact: The Department does not anticipate that this regulation will adversely impact small businesses or local governments. The Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. As no other affirmative actions are required unless and until the Commissioner of Health makes a designation under the HERO Act, the Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

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.

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

Rural Area Flexibility Analysis

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

Reporting, recordkeeping and other compliance requirements: The Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. As no other affirmative actions are required unless and until the Commissioner of Health makes a designation under the HERO Act, the Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

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

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 Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. As no other affirmative actions are required unless and until the Commissioner of Health makes a designation under the HERO Act, the Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

Minimizing adverse impact: The Department does not anticipate that this regulation will adversely impact small businesses or local governments. The Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. As no other affirmative actions are required unless and until the Commissioner of Health makes a designation under the HERO Act, the Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

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

Job Impact Statement

Nature of impact: The Department 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.

Assessment of Public Comment

The Department received several comments following publication of the Department’s Notice of Proposed Rulemaking and Emergency Adoption in the August 25, 2021 edition of the NYS Register, and a hearing was held on November 18, 2021 where testimony on the Proposed Rule was received in accordance with Section 29 of the Labor Law. No comments were received by the Department that specifically comment on the Emergency Rule; rather the Department has received feedback on the proposed rule. In that regard, commenters noted concern with regard to the lack of specificity in relation to industry specific standards, the absence of mandatory air flow requirements, limited face covering requirements, and the lack of a mandatory reporting requirement, amongst others. The Department has assessed these comments for any changes that are necessary to the present Emergency Rule and no changes are found to be necessary or appropriate at this time. The Department will continue to assess these issues/comments for the Permanent Rule.

Office of Mental Health

EMERGENCY RULE MAKING

COVID-19 Vaccination Program

I.D. No. OMH-43-21-00002-E

Filing No. 8

Filing Date: 2022-01-03

Effective Date: 2022-01-03

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

Action taken: Addition of Part 557 to Title 14 NYCRR.

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

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

Specific reasons underlying the finding of necessity: The immediate adoption of this amendment is necessary for the preservation of health, safety, and welfare.

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. According to Johns Hopkins’ Coronavirus Resource Center, as of July 14, 2021, there have been over 188 million cases and over 4 million deaths worldwide, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions. Given the disproportionate adverse health impacts of COVID-19 for older adults and those with comorbidities in New York’s Hospitals, it is imperative that these Hospitals facilitate the prompt vaccination of their staff. Based on the foregoing, the Office has made the determination that this emergency regulation is necessary to best protect the residents of New York’s facilities.

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

Subject: COVID-19 Vaccination Program.

Purpose: To implement a COVID-19 vaccination program.

Text of emergency rule: A new Part 557 titled COVID-19 Vaccination Program, is added to read as follows:

557.1 Background and intent.

(a) COVID-19 is an unpredictable disease that can cause serious illnesses and death. In response to this increased public health threat, New York must take active steps to prevent and control transmission of COVID-19. The seriousness of the continuing threat and the failure to achieve acceptable vaccination rates through voluntary programs necessitate further action.

557.2 Legal Base.

(a) Section 7.07 of the Mental Hygiene Law charges the Office of Mental Health with the responsibility for seeing that persons with mental illness are provided with care and treatment, and that such care, treatment and rehabilitation is of high quality and effectiveness.

(b) Section 7.09 of the Mental Hygiene Law gives the Commissioner of the Office of Mental Health the power and responsibility to adopt regulations that are necessary and proper to implement matters under the Commissioner’s jurisdiction.

(c) Section 31.04 of the Mental Hygiene Law grants the Commissioner of Mental Health the power and responsibility to adopt regulations to effectuate the provisions and purposes of Article 31 of the Mental Hygiene Law, including procedures for the issuance and amendment of operating certificates, and for setting standards of quality and adequacy of facilities.

557.3 Applicability.

(a) This Part applies to Hospitals as defined in Part 556.4(d).

557.4 Definitions pertaining to this Part.

(a) Commissioner shall mean the Commissioner of Mental Health.

(b) COVID-19 vaccine or vaccine shall mean a vaccine currently licensed for immunization and distribution in the United States by the Food and Drug Administration (FDA) for active immunization for the prevention of COVID-19 or authorized for such use by the FDA pursuant to an Emergency Use Authorization (EUA) or as an Emergency Investigational New Drug (EIND).

(c) Fully Vaccinated shall mean fully vaccinated for COVID-19 ≥ 2 weeks after receiving either (1) the second dose in a 2-dose series (e.g., Pfizer-BioNTech or Moderna), or (2) a single-dose vaccine (e.g., Johnson & Johnson [J&J]/Janssen), authorized for emergency use or approved by the U.S. Food and Drug Administration, and holds an emergency use listing by the World Health Organization.

(d) Hospital shall mean a hospital named in Mental Hygiene Law section 7.17(b), excluding the Nathan S. Kline Institute for Psychiatric Research. Hospitals shall also mean a program operated pursuant to Parts 580, 582, or 590 of this Title.

(e) Office shall mean the Office of Mental Health.

(f) Staff shall mean all persons employed or affiliated with a Hospital, whether paid or unpaid, including but not limited to employees, members of the medical, nursing, and other treatment staff, contract staff, students, and volunteers.

557.5 Testing and Vaccination Requirements for Hospitals.

(a) All Staff who work in Hospitals will be required to be vaccinated with at least one vaccine dose against COVID-19 by November 1, 2021 and shall be Fully Vaccinated by December 10, 2021.

(b) Commencing on October 12, 2021, all Staff who work in Hospitals who are not Fully Vaccinated shall be tested for COVID-19 pursuant to the provisions herein for those who are granted a reasonable accommodation.

(b) A reasonable accommodation may be made for Staff who have a documented pre-existing health condition that prevents them from complying with the vaccine requirements herein. When a reasonable accommodation is approved for a Staff member, they must comply with the following testing provisions.

(c) Staff who have been granted such a reasonable accommodation are required to undergo diagnostic screening testing. Staff may choose either antigen or molecular tests to satisfy this requirement but must be tested at least once weekly. Any test used must either have Emergency Use Authorization by the U.S. Food and Drug Administration or be operating per the Laboratory Developed Test requirements of the U.S. Centers for Medicare and Medicaid Services.

(d) Any Staff who work in Hospitals who do not comply with the provisions of this Part shall not be permitted to report to work.

(e) Staff for whom a positive test result is received must comply with New York State Department of Health and Office regulations and guidance applicable to those who receive a positive test result.

(f) By November 1, 2021, Hospitals shall verify the vaccination status of all Staff. Each Hospital shall require Staff to produce documentation to show vaccine administration. Acceptable documentation of vaccination status shall consist of one of the following:

(1) a COVID 19 vaccination record card issued by the Centers for Disease Control and Prevention or equivalent, including the name of the person vaccinated, date of birth, type of vaccine provided and date(s) of administration;

(2) documentation of COVID-19 vaccination from a health care provider; or

(3) a digital record such as the New York State Excelsior Pass that includes a QR code that when scanned displays the name of the person vaccinated, date of birth, type of vaccine provided, and date(s) of administration.

(g) All Staff who are not fully vaccinated, or for whom vaccine status is unknown or documentation is not provided, must be considered unvaccinated.

(h) Hospitals shall maintain records of their compliance with the requirements of this Part.

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. OMH-43-21-00002-EP, Issue of October 27, 2021. The emergency rule will expire March 4, 2022.

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

Regulatory Impact Statement

1. Statutory Authority:

(a) Section 7.07 of the Mental Hygiene Law (MHL) charges the Office of Mental Health (OMH) with the responsibility for seeing that persons with mental illness are provided with care and treatment, and that such care, treatment and rehabilitation is of high quality and effectiveness.

(b) Section 7.09 of the Mental Hygiene Law gives the Commissioner of the Office of Mental Health the power and responsibility to adopt regulations that are necessary and proper to implement matters under their jurisdiction.

(c) Section 31.04 of the Mental Hygiene Law grants the Commissioner of Mental Health the power and responsibility to adopt regulations to effectuate the provisions and purposes of article 31 of such law, including procedures for the issuance and amendment of operating certificates, and for setting standards of quality and adequacy of facilities.

2. Legislative Objectives: To implement a COVID-19 vaccination program through MHL § § 7.07, 7.09 and 31.04 which provide the Commissioner of Mental Health with the authority to protect the health and life of the people of the State of New York including by controlling the spread of communicable diseases. COVID-19 is an unpredictable disease that can cause serious illnesses and death. In response to this increased public health threat, New York must take active steps to prevent and control transmission of COVID-19. The seriousness of the continuing threat and the failure to achieve acceptable vaccination rates through voluntary programs necessitate further action. Collectively, the legislative purpose of these statutes is to protect patients in hospitals operated or licensed by the Office of Mental Health by providing safe, efficient, and adequate care.

3. Needs and Benefits: These regulations are necessary to prevent the spread of COVID-19 in hospitals operated or licensed by the Office of Mental Health. This requirement will help ensure patients are less likely to suffer a COVID-related death or severe illness and that fewer staff test positive for COVID-19.

COVID-19 is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. Given the disproportionate adverse health impacts of COVID-19 for adults and those with comorbidities, many of whom receive treatment in New York's Hospitals, it is imperative that these hospitals facilitate the prompt vaccination of its staff.

Based on the foregoing, the Office has made the determination that this emergency regulation is necessary to best protect patients and staff in Hospitals operated by the Office of Mental Health.

4. Costs:

(a) Costs to Regulated Parties:

The purpose of this regulation is to require Hospitals licensed or operated by the Office of Mental Health to promptly coordinate the COVID-19 vaccination of their staff. Costs are expected to be minimal given that the COVID-19 vaccine is provided free of charge, and Medicare reimbursement is available to help Medicare-enrolled residents cover administrative costs.

(b) Costs to Local and State Governments:

This regulation will not have no significant impact on local or State governments. There may be limited additional agency costs for reviewing documentation and other administrative oversight.

5. Local Government Mandates: This regulation will have no impact on local governments.

6. Paperwork: This regulation imposes no additional paperwork. Although the regulation requires recordkeeping by hospitals, including documentation in personnel files, these records must already be maintained by the hospital.

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

8. Alternatives: The Office believes that the promulgation of this regulation is the most effective means to ensure that OMH operated hospitals adequately ensure their staff are vaccinated against COVID-19. Accordingly, the alternative of not issuing these regulations was rejected, as the potential for serious illness and possible death of both staff and patients as a result of a COVID-19 outbreak outweighed the risk of rejecting a vaccine mandate.

9. Federal Standards: The regulatory amendments do not exceed any minimum standards of the Federal Government for the same or similar subject areas.

10. Compliance Schedule: This rulemaking will be effective upon filing a Notice of Emergency Adoption and Notice of Proposed Rulemaking in the State Register.

Regulatory Flexibility Analysis

Effect of Rule:

This regulation will not impact local governments or small businesses.

Compliance Requirements:

This regulation primarily requires Hospitals operated or licensed by the Office of Mental Health to promptly coordinate the COVID-19 vaccination of their staff.

Professional Services:

No professional services are required by this regulation.

Compliance Costs:

Costs are expected to be minimal given that the COVID-19 vaccine is provided free of charge.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

This regulation is consistent with the existing responsibilities hospitals have to maintain the health and safety of residents, and ensure staff are free from communicable diseases. Therefore, any adverse impacts are expected to be minimal and are outweighed by the regulation's health and safety benefits to residents and staff.

Small Business and Local Government Participation:

Due to the urgent need to ensure hospital staff are vaccinated as soon as possible given the seriousness of COVID-19 if contracted, particularly by older adults or persons with comorbidities, small business and local governments were not directly consulted. However, the Office will notify such entities of the existence of these regulations and the opportunity to submit comments or questions to the Office.

Cure Period:

This regulation does not include a cure period given the serious threat the COVID-19 virus causes to all New Yorkers, particularly those residing in hospitals, considering such residents' age and comorbidities. The Office finds the periods provided to comply with the regulatory requirements sufficient to ensure Hospitals can establish or revise their vaccination policies and procedures, while balancing the urgent need to protect patients and personnel from this dangerous disease.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

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

This regulation creates no additional paperwork. Although the regulation requires recordkeeping by hospitals, including documentation in personnel files these records must already be maintained. Additionally, no additional professional services are required by this regulation.

Compliance Costs:

This regulation requires staff of OMH operated and licensed hospitals to be vaccinated against COVID-19. Costs are expected to be minimal given that the COVID-19 vaccine is provided free of charge.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

This regulation is consistent with the existing responsibilities Hospitals have to maintain the health and safety of residents, ensure sufficient staffing levels, and ensure staff are free from communicable diseases. Therefore, any adverse impacts are expected to be minimal and are outweighed by the regulation's health and safety benefits to patients and staff.

Rural Area Participation:

Due to the urgent need to ensure Hospital staff are vaccinated as soon as possible given the seriousness of the COVID-19 virus and the need for services to be provided in person where appropriate, Hospitals located in rural areas were not directly consulted. However, the Office will notify covered entities located in rural areas of the existence of these regulations and the opportunity to submit comments or questions to the Office.

Job Impact Statement

Nature of impact: Hospitals as defined may take disciplinary action on staff who are not fully vaccinated and do not have a valid medical exemption.

Categories and numbers affected: This rule may impact any individual who falls within the definition of “staff” who are not fully vaccinated against COVID-19 and do not have a valid medical exemption on file with the Hospital for which they are employed with or are affiliated.

Regions of adverse impact: The rule would apply uniformly throughout the State and the Office does not anticipate that there will be any regions of the state where the rule would have a disproportionate adverse impact on jobs or employment.

Minimizing adverse impact: As part of ongoing efforts to address the COVID-19 pandemic, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the Office since March of 2020.

Assessment of Public Comment

The agency received no public comment.

Metropolitan Transportation Agency

EMERGENCY RULE MAKING

Requiring Mask Wearing When Using the Facilities and Conveyances of the MTA and Its Operating Affiliates and Subsidiaries

I.D. No. MTA-16-21-00004-E

Filing No. 6

Filing Date: 2022-01-03

Effective Date: 2022-01-03

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

Action taken: Amendment of Part 1030 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1266(4) and (5)

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

Specific reasons underlying the finding of necessity: The emergency rule, which complies with the Centers for Disease Control and Prevention’s Order effective February 1, 2021, and the Transportation Security Administration’s Security Directive (SD) 1582/84-21-01: Security Measures – Face Mask Requirements, effective at the same time, is necessary to safeguard public health and safety and to ensure through proper mask wearing that the public, health care providers, first responders, and other essential workers who rely on the Metropolitan Transportation Authority’s subways, buses, and commuter trains to get to and from work and also the Metropolitan Transportation Authority’s employees are protected during the COVID-19 outbreak.

Now that the New York City area has begun reopening and the Metropolitan Transportation Authority’s operating agencies are restoring service and anticipating increased ridership, it is imperative that all persons on all of the Metropolitan Transportation Authority’s subways, buses, and commuter trains fully comply with the Centers for Disease Control and Prevention’s Order requiring them to properly wear a safe mask covering their nose and mouth and maintain social distance as much as possible. Research has found that wearing a mask can reduce the rate of COVID-19 transmission significantly.

Subject: Requiring mask wearing when using the facilities and conveyances of the MTA and its operating affiliates and subsidiaries.

Purpose: To safeguard the public health and safety by adding a new all agency rule requiring the use of masks in facilities and conveyances.

Text of emergency rule: Part 1030 Rules Governing the Conduct and Safety of the Public in the Use of the Terminals, Stations, Trains, Facilities, or Conveyance of the Metropolitan Transportation Authority

1030.1 Authorities covered by the rules of this Part

The rules set forth in this Part 1030 are established by the Metropolitan Transportation Authority (MTA) and applicable to it and to each of its affiliates and subsidiaries and each of their affiliates and subsidiaries including without limitation the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the MTA Bus Company, the Long Island Rail Road Company, and Metro-North Commuter Railroad Company (each an “authority”).

1030.2 Requiring Persons to Wear Masks

(a) This Section subpart 1030.2 wholly supersedes the emergency mask rules adopted and readopted by the following authorities: Part 1050.6(d)(1) (adopted by the New York City Transit Authority and the Manhattan and Bronx Surface Transit Operating Authority); Part 1040.4(g) (adopted by the Staten Island Rapid Transit Operating Authority); Part 1044.4(f) (adopted by the MTA Bus Company); Part 1085.4(g) (adopted by the Metro-North Commuter Railroad Company); and, Part 1097.4(e) (adopted by the Long Island Rail Road Company).

(b) Every person on or in any terminal, station, train, facility, or conveyance (as those terms are defined in Parts 1040, 1044, 1050, 1085, and 1097 of this Subchapter) of any authority covered by this Part shall wear a mask that completely covers their mouth and nose. A mask should fit snugly but comfortably against the face and be secured to the head, with ties, ear loops, or elastic bands behind the head. A gaiter must have two layers of fabric or be folded to make two layers. Masks may be either manufactured or homemade and must be a solid piece of material without slits, exhalation valves, or punctures. Cloth masks should be made with two or more layers of breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source). Masks may be reusable or disposable. Medical masks and N-95 respirators fulfill this requirement.

The following do *not* meet this requirement:

- (1) masks worn in a way that does not cover the nose and mouth
- (2) face shields or goggles (though face shields or goggles may be worn to supplement a mask that meets the above required attributes)
- (3) scarves, ski masks, balaclavas, or bandannas
- (4) shirt or sweater collars (i.e., turtleneck collars) pulled up over the mouth and nose
- (5) masks made from loosely woven fabric or that are knitted (i.e., fabrics that let light pass through)
- (6) masks made from material that is hard to breathe through (such as vinyl, plastic or leather)
- (7) masks containing slits, exhalation valves or punctures.

(c) The requirement to wear a mask shall not apply under the following circumstances:

- (1) while eating or drinking for brief periods, but only in locations where eating and drinking otherwise are permitted, or while taking medication; prolonged periods of mask removal are not permitted for eating or drinking, the mask must be worn between bites and sips
- (2) while communicating with a person who is hearing impaired when the ability to see the mouth is essential for communication
- (3) while a person is unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance
- (4) when necessary to temporarily remove the mask to verify one’s identity or when asked to do so by any police officer, peace officer, or authority employee.

(d) The following categories of persons are not required to wear a mask:

- (1) a child under the age of two years;
- (2) a person with a disability who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act;
- (3) a person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by applicable workplace safety guidelines or federal regulations.

(e) Any person who does not comply with the requirement to wear a mask that completely covers their mouth and nose may be barred from entering or remaining on or in any terminal, station, train, facility, or conveyance of any authority covered by this Part and also may be fined \$50 per occurrence. This rule shall be enforced by each of the authorities on or in its terminals, stations, trains, facilities, or conveyances by any person authorized by such authority to enforce its own rules and pursuant to the procedures established by such authority for enforcing violations of its rules.

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. MTA-16-21-00004-EP, Issue of April 5, 2021. The emergency rule will expire March 3, 2022.

Text of rule and any required statements and analyses may be obtained from: Theresa Brennan Murphy, Metropolitan Transportation Authority, 130 Livingston Street, Brooklyn, NY 11201, (718) 694-3901, email: theresa.murphy@nyc.com

Regulatory Impact Statement

Statutory authority: Section 1266(4) of the Public Authorities Law provides that the Metropolitan Transportation Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or any of its operating agencies. The federal Centers for Disease Control and Prevention issued an Order, effective February 1, 2021, that requires that all persons must wear masks over the mouth and nose when traveling on conveyances into and within the United States and also at transportation hubs. The Order provides a detailed description of safe masks, how masks should be worn, the very limited circumstances in which the requirement to wear a mask does not apply and the few categories of persons who are exempted from the requirement to wear a mask. The Transportation Security Administration has also issued a Security Directive (SD) 1582/84-21-01: Security Measures – Face Mask Requirements, which is effective at the same time as the CDC Order, which supports enforcement of the CDC's Order.

Legislative objectives: The Legislature has conferred on the Metropolitan Transportation Authority and its operating agencies the authority to ensure the safety of their passengers and employees. They have previously exercised that authority to adopt emergency rules of conduct governing the conduct and safety of the public in the use of their facilities by requiring persons to wear masks. The Legislature also expects that the Metropolitan Transportation Authority and its operating agencies will comply with applicable federal law including the Centers for Disease Control and Prevention's Order, which this new emergency rule will ensure.

Needs and benefits: The proposed rule is necessary to safeguard public health and safety to ensure that persons who rely on the Metropolitan Transportation Authority's subways, buses, and commuter trains to get to and from work and to travel around the New York City metropolitan area fully comply with the new federal Order requiring that persons wear masks over the mouth and nose when traveling on conveyances and while at transportation hubs to try to limit the transmission of COVID-19.

Costs:

(a) Regulated parties. The proposed rule governing conduct and safety does not impose new costs on passengers or others.

(b) State and local government. The proposed rule governing conduct and safety will not impose any new costs on State or local governments.

Local government mandates: The proposed rule does not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing the conduct and safety of the public on trains and stations operated by the Metropolitan Transportation Authority's two commuter railroads.

Paperwork: The proposed rule does not impose any new reporting requirements.

Duplication: The proposed rule does not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: No significant alternatives to this rule was considered.

Federal standards: The proposed amended rule does not exceed any Federal minimum standards.

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency rule governing the conduct and safety of the public will be effective immediately.

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

A regulatory flexibility statement for small business and local governments, a rural flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

Assessment of Public Comment

The agency received no public comment.

Office for People with Developmental Disabilities

EMERGENCY RULE MAKING

COVID-19 Vaccines

I.D. No. PDD-43-21-00003-E

Filing No. 1323

Filing Date: 2021-12-30

Effective Date: 2021-12-30

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

Action taken: Addition of section 680.14 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b) and 16.00

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

Specific reasons underlying the finding of necessity: The immediate adoption of a new section, 14 NYCRR 680.14, that requires all specialty hospitals to develop policies to require and verify all staff are fully vaccinated against COVID-19, is necessary to protect the health, safety, and welfare of individuals who receive these services.

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal. According to Johns Hopkins' Coronavirus Resource Center, as of July 14, 2021, there have been over 188 million cases and over 4 million deaths worldwide, 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) has identified a concerning national trend of increasing circulation of the SARS-CoV-2 Delta variant. Since early July, cases have risen 10-fold, and 95 percent of the sequenced recent positives in New York State were the Delta variant. Recent New York State data show that unvaccinated individuals are approximately 5 times as likely to be diagnosed with COVID-19 compared to vaccinated individuals. Those who are unvaccinated have over 11 times the risk of being hospitalized with COVID-19.

The COVID-19 vaccines are safe and effective. They offer the benefit of helping to reduce the number of COVID-19 infections, including the Delta variant, which is a critical component to protecting public health. Certain settings, such as hospitals, pose increased challenges and urgency for controlling the spread of this disease because of the vulnerable patient and resident populations that they serve. Unvaccinated personnel in such settings have an unacceptably high risk of both acquiring COVID-19 and transmitting the virus to colleagues and/or vulnerable patients or residents, exacerbating staffing shortages, and causing unacceptably high risk of complications.

Given the disproportionate adverse health impacts of COVID-19 for individuals with comorbidities, such as those served by OPWDD certified Specialty Hospitals, it is imperative that these hospitals facilitate the prompt vaccination of their staff. Based on the foregoing, the Office has made the determination that this emergency regulation is necessary to best protect the residents of Specialty Hospitals certified by OPWDD.

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

Subject: COVID-19 Vaccines.

Purpose: To require vaccinations in certain OPWDD settings.

Text of emergency rule: A new section 680.14 is added to read as follows:
680.14 Vaccination Procedures for the Control of COVID-19

(a) Definitions

(1) "Fully Vaccinated" means that 14 days or more have passed since the person received either the second dose of vaccine in a 2-dose series or a single dose vaccine.

(2) "Personnel" shall mean all persons employed or affiliated with a Specialty Hospital, whether paid or unpaid.

(3) "Specialty Hospital" means a facility operated or certified by

OPWDD as defined by 14 NYCRR § 680.13 (be) and which is governed by 14 NYCRR Part 680.

(b) COVID-19 Vaccination Requirements

(1) All Specialty Hospitals shall develop policies to require all personnel to be fully vaccinated against COVID-19 and to verify such vaccination. Unless otherwise specified by OPWDD or DOH, documentation of vaccination must include the manufacturer, lot number(s), date(s) of vaccination; and vaccinator or vaccine clinic site. The following may be accepted as documentation of vaccination:

- (i) CDC Vaccine Card;*
- (ii) a WHO Yellow Card;*

(iii) documentation of COVID-19 vaccination from a health care provider; or

(iv) a digital record, such as the New York State Excelsior Pass, that includes a Quick Response (QR) code which, when scanned by a SMART Health Card reader, displays to the reader client name, date of birth, vaccine dates and vaccine type.

(2) All personnel of a Specialty Hospital, unless appropriately exempted as described herein, must receive the full COVID-19 vaccination to protect against the transmission and spread of COVID-19 with a first dose received by November 1, 2021.

(i) Personnel may receive any of the vaccines authorized for emergency use and/or approved by the Federal Food and Drug Administration or listed by the World Health Organization for inoculation against COVID-19.

(ii) Specialty Hospitals shall require personnel to produce documentation sufficient to show that the person is fully vaccinated as defined above.

(3) Personnel hired or retained after November 1, 2021 must receive the first dose of their COVID 19 vaccination within two weeks after commencing employment with any Specialty Hospital.

(4) Specialty Hospitals shall be required to obtain proof of any relevant COVID-19 booster injections.

(c) Exclusions From Mandatory COVID-19 Vaccination

(1) In order to permit an exemption from the vaccination requirements of this section, the employee or volunteer shall have documentation of a legally recognizable exemption, including but not limited to:

(i) A signed, completed medical exemption form approved by the DOH or OPWDD from a physician licensed to practice medicine in New York State certifying that immunization will be detrimental to the employee's health, containing sufficient information to identify a medical contraindication to the COVID-19 vaccination. A completed medical exemption form must be reissued periodically, but at least annually.

(d) Testing for COVID-19

(1) All Specialty Hospitals whose personnel who have not been fully vaccinated because they have received a reasonable accommodation consistent with subdivision (c) of this section or because they are not yet fully vaccinated consistent with subdivision (b)(3) of this section shall ensure that each such individual receives diagnostic screening for COVID-19 by either rapid (antigen) or PCR (molecular) testing at least once weekly. Documentation of testing results must be provided to and maintained by the Specialty Hospital.

(2) Personnel that are not fully vaccinated and who refuse to undergo diagnostic screening testing must not be permitted to report to work.

(e) OPWDD will enforce this mandate as part of its oversight activities in accordance with the authority set forth in Mental Hygiene Law section 16.11.

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. PDD-43-21-00003-EP, Issue of October 27, 2021. The emergency rule will expire February 27, 2022.

Text of rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Avenue, 3rd Floor, Albany, NY 12229, (518) 474-7700, email: rau.unit@opwdd.ny.gov

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

Regulatory Impact Statement

1. Statutory authority:

a. The Office for People With Developmental Disabilities (OPWDD) has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law (MHL) Section 13.07.

b. OPWDD has the statutory authority to adopt rules and regulations

necessary and proper to implement any matter under its jurisdiction as stated in the NYS MHL Section 13.09(b).

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS MHL Section 16.00. The regulation also ensures compliance by OPWDD certified and operated residences with the proper provision of services.

2. Legislative objectives: The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00. The proposed regulation adds Title 14 NYCRR Section 680.14 in order to protect individuals receiving services from specialty hospitals.

3. Needs and benefits: The proposed regulation adds Title 14 NYCRR Section 680.14 to require all specialty hospitals to develop policies to require and verify all staff are fully vaccinated against COVID. This regulation must be issued by emergency regulation giving the increasing transmission of COVID-19 despite vaccines being available. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards.

4. Costs:

a. Costs to the Agency and to the State and its local governments:

There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations, as specialty hospitals that provide these services will only be providing such services to individuals already receiving Medicaid, in accordance with existing OPWDD policies and processes.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements.

b. Costs to private regulated parties: There will be some costs to regulated providers to comply with the proposed regulations. As the regulation allows for a medical exemption, any individuals falling under that category are required to receive weekly testing. Additionally, any unvaccinated staff hired after the regulation is filed would be required to undergo weekly testing until they are fully vaccinated. For those individuals not already vaccinated the provider will need to contract with a testing facility for their staff to access. However, there will be no costs or minimal costs for providers that achieve a high vaccination rate among their staff. Additionally, providers will need to maintain vaccination and testing records, but the vaccine information need only be collected once and updated as more staff receive the vaccine or are hired.

5. Local government mandates: This rule would not apply to local government units. There are no new requirements imposed by the rule on any other county, city, town, village; or school, fire, or other special district.

6. Paperwork: Providers will experience a minimal increase in paperwork as a result of the proposed regulations. Additional reporting requirements regarding the vaccination status and testing results will need to be maintained.

7. Duplication: The proposed regulations do not duplicate any existing State or Federal requirements on this topic. On (date), the New York State Department of Health issued regulations requiring hospitals within its oversight jurisdiction to require all staff within such hospitals to receive their first dose of a COVID-19 vaccine by September 27, 2021. OPWDD's emergency regulation would extend these protections to Specialty Hospitals under its oversight and jurisdiction.

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations. These changes are necessary to protect public health and individuals receiving services in specialty hospitals.

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

10. Compliance schedule: OPWDD plans to adopt the regulations as an emergency regulation effective upon filing. Following the comment period OPWDD plans to adopt the regulation as permanent. The regulation requires vaccination and/or testing by November. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date(s).

Regulatory Flexibility Analysis

1. Effect of Rule:

a. This rule would apply to all specialty hospitals certified by OPWDD. This regulation would require all specialty hospitals to develop policies to require and verify all staff are fully vaccinated against COVID. This regulation is necessary to protect individuals receiving services at these facilities.

2. Compliance Requirements: These regulations will require additional reporting requirements in order to ensure vaccines have been received or weekly tests, for recently hired staff or those receiving a medical exemp-

tion, have been negative. Any entities that provide these services will be required to follow OPWDD regulations as they have been required to do so previously, but there will be additional reporting requirements in order to ensure compliance.

3. Professional Services: This rule will require additional professional services as the providers will need to contract with a testing facility for individuals that receive a medical exemption or are hired prior to being fully vaccinated.

4. Compliance Costs:

a. There will be some additional compliance costs. As the regulation requires testing for those individuals not already vaccinated the provider will need to contract with a testing facility for their staff to access. However, there will be no costs or minimal costs for providers that achieve a high vaccination rate among their staff. Additionally, providers will need to maintain vaccination and testing records, but the vaccine information need only be collected once and updated as more staff receive the vaccine or are hired.

5. Economic and Technological Feasibility: The entities required to comply with this rule already have the technological capability to comply with this rule.

6. Minimizing Adverse Impact: There will be no adverse impact as a result of this rule because the rule applies to all providers of these services regardless of size. Furthermore, these entities have always had regulations to follow regarding public health and infection control. This regulation seeks to further those goals given the current pandemic and high rate of spread of COVID-19.

7. Small Business and Local Government Participation: This rule would not apply to local governments. Provider and provider associations will have opportunities to comment during the regulatory comment period.

8. Establishment or Modification of Penalties: The rule does not modify or establish any new penalties.

9. Initial Review of the Rule: OPWDD will review the rule within the third calendar year after filing.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the regulation will not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed regulation.

The proposed regulation adds Title 14 NYCRR Section 680.14 in order to require all specialty hospitals to develop policies to require and verify all staff are fully vaccinated against covid. The regulation will not result in an adverse impact on rural communities because the regulation applies to all staff employed by specialty hospitals. The proposed regulation will result in minimal costs for regulated parties. Therefore, the amendments will not have any adverse effects on providers in rural areas.

Job Impact Statement

A Job Impact Statement for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on jobs and/or employment opportunities.

The proposed regulation adds Title 14 NYCRR Section 680.14 in order to require all specialty hospitals to develop policies to require and verify all staff are fully vaccinated against covid. The regulation will result in new compliance requirements for providers. However, there have always been restrictions on these types of providers so the compliance measures would be minimal and not overly burdensome. The regulation will not have a substantial impact on jobs or employment opportunities in New York State.

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposal by Electric Utilities on a Revised Benefit Cost Analysis Method

I.D. No. PSC-03-22-00003-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 revised Benefit Cost Analysis Proposal filed by multiple electric utilities regarding local transmission and distribution planning.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 65, 66; Accelerated Renewable Energy Growth and Community Benefit Act of 2020

Subject: Proposal by electric utilities on a revised benefit cost analysis method.

Purpose: To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering the revised Benefit Cost Analysis (BCA) Proposal (the Proposal), filed on December 17, 2021, by Central Hudson Gas & Electric Corp.; Consolidated Edison Company of New York, Inc.; Long Island Power Authority; Niagara Mohawk Power Corporation d/b/a National Grid; New York State Electric & Gas Corporation; Orange & Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation (collectively, the Utilities) to comply with the Commission's September 9, 2021 Order on Local Transmission and Distribution Planning Process and Phase 2 Project Proposals (Order).

The Utilities request that the Commission approve the proposed BCA method as part of the Phase 2 Project investment criteria. According to the Utilities, the revised BCA approach will require time and resources to develop, including the implementation of the capacity expansion modeling required by the Order. The revised BCA method would apply a least-cost analysis framework based on capacity expansion modeling that considers the total cost of generating, connecting, and delivering energy produced from renewable generation after curtailments. In the capacity expansion model, the Utilities would establish a 70% renewable resource requirement by 2030, consistent with New York State Energy Research and Development Authority (NYSERDA) and Department of Public Service Staff estimates, and the model would "build" a least-cost portfolio of renewable resources and sources of headroom for the interconnection and delivery of such resources (the "capacity expansion").

The Utilities would retain a consultant to help develop capacity expansion models for the New York system. The capacity expansion model would start with inputs such as (1) the capital cost and energy output of renewable generation sources in different locations across the state; (2) the capital cost of means of creating headroom for the delivery of renewable energy, including the Phase 2 local transmission projects, Non Wires Alternatives and bulk transmission system interconnections; and (3) constraints that need to be respected, for example feasibility and siting limitations for resources types in certain locations. The Utilities and their consultant would consider inputs and results from the New York Independent System Operator, Inc. capacity expansion models, or their equivalent, and related NYSEERDA analyses in developing and validating their model. The Utilities would also collaborate with NYSEERDA and other stakeholders to reflect the physical limitations associated with capacity expansion zonal allocations and interconnecting voltage levels and consider such input in assessing generation additions.

Stakeholders would then review the results to verify that the potential generation and transmission build-out scenarios are reasonable and physically feasible. That information would be included in the recommendations filed with the Commission by January 1, 2023 and serve as the basis for any Phase 2 project funding requests going forward. The Utilities provide a process-flow illustration of the revised BCA approach in Figure 2 within their December 17, 2021 filing.

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

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

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

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

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

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

(20-E-0197SP9)

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

Proposal by Electric Utilities on a Coordinated Electric Grid Planning Process

I.D. No. PSC-03-22-00004-P

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

Proposed Action: The Commission is considering a proposed Coordinated Grid Planning Process framework and associated proposals filed by multiple electric utilities regarding local transmission and distribution planning.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 65, 66; Accelerated Renewable Energy Growth and Community Benefit Act of 2020

Subject: Proposal by electric utilities on a coordinated electric grid planning process.

Purpose: To support distribution and local transmission investments necessary to achieve the State's clean energy and climate goals.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a proposal entitled "Coordinated Grid Planning Process (CGPP)" framework, which was filed on December 17, 2021 by Central Hudson Gas & Electric Corp., Consolidated Edison Company of New York, Inc., Long Island Power Authority, Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation, Orange & Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (collectively, the Utilities) to comply with the Commission's September 9, 2021 Order on Local Transmission and Distribution Planning Process and Phase 2 Project Proposals (Order).

The Utilities request that the Commission approve the CGPP framework, while they at the same time develop details of the CGPP through 2022, in consultation with Department of Public Service Staff (DPS Staff), the New York State Energy Research and Development Authority (NYSERDA), and the New York Independent System Operator, Inc. (NYISO). The collaboration would begin with an assessment of modeling methods, tools, and resources to inform a plan for local transmission and distribution investments. Other stakeholders would be included in the collaboration. The Utilities intend to work with the NYISO to understand areas of overlap or conflict with the NYISO's existing transmission planning processes and identify opportunities to make adjustments to the CGPP and the NYISO's associated tariffs. The Utilities plan to file a final CGPP that includes key details for Commission review by January 1, 2023. If the Commission approves the CGPP, it would serve as the basis for the statewide integrated resource plan process going forward. The Utilities provide an illustration of the CGPP framework in Figure 1 of their filing.

The Utilities also propose two modifications to the Non-Wires Alternative (NWA) Suitability Criteria that would be applied within the CGPP to compare NWAs to traditional local transmission and distribution solutions. The first modification would expand the Project Type criteria to include NWA projects that decrease congestion or increase the delivery capability and headroom potential of Phase 2 local transmission and distribution upgrades. The second modification would expand the Project Type criteria to include hybrid projects that combine NWA resources with transmission and distribution infrastructure. In another aspect of their proposal, the Utilities recommend that the Commission permit utility ownership of NWAs when a utility has established that its ownership represents the best interests of customers and will support achievement of New York State's climate goals.

The Utilities' proposal seeks to create two stakeholder-driven forums as part of implementing the local transmission planning process. The first would educate and receive feedback from NYISO stakeholders on utility-specific transmission plans for meeting the Climate Leadership and Community Protection Act mandates. The Utilities intend to host their first meeting at the NYISO in early 2022. The second stakeholder forum would be implemented by the newly created Energy Policy Planning and Advisory Council (EPPAC), which would consist of a representative and alternate from each utility, DPS Staff, the NYISO, NYSERDA, renewable generation and storage associations, power authorities, and environmental justice community associations. The Utilities suggest that the EPPAC would aid in establishing stakeholder review points with the CGPP. According to the Utilities, the EPPAC review of planning assumptions and draft reports (e.g., generation forecasts, generation interconnections, and draft statewide system study reports) would serve as a means of providing an open, inclusive, and transparent planning process. In addition, the proposed EPPAC would review feasible generator interconnections associated with the capacity expansion model results and support the filing

of the coordinated portfolio of Phase 2 projects directed in Ordering Clause 5 of the Order. The Utilities would continue to consult with DPS Staff to establish a process for creating the EPPAC and identifying EPPAC members.

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

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

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

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

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

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

(20-E-0197SP8)

Office of Temporary and Disability Assistance

EMERGENCY RULE MAKING

Public Assistance (PA) Eligibility Interviews by Telephone or Other Digital Means at PA Applicant's or Recipient's Request

I.D. No. TDA-43-21-00006-E

Filing No. 7

Filing Date: 2022-01-04

Effective Date: 2022-01-06

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

Action taken: Amendment of sections 350.3(c), 351.2(1)(4)(iii), 351.20(b)(3) and 351.22(a)-(b)(2) of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 131(1), 132(4)(a)-(b), 134-a(3), 349-a(2) and 355(3); L. 2021, ch. 133; L. 2021, ch. 144

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

Specific reasons underlying the finding of necessity: The Office of Temporary and Disability Assistance (OTDA) finds that it is necessary for the preservation of the public health, public safety and the general welfare that these amendments be readopted on an emergency basis, as authorized by the State Administrative Procedure Act (SAPA) § 202(6). The 2019 Novel Coronavirus (COVID-19) pandemic remains a significant challenge in New York State. Since March 2020, more than 3,000,000 New Yorkers have been infected by the COVID-19 coronavirus, and the disease has killed more than 60,000 New Yorkers. The Centers for Disease Control and Prevention (CDC) has identified a concerning national trend of increasing circulation of the Delta COVID-19 variant, which is approximately twice as transmissible as the early SARS-CoV-2 strain, and the Omicron COVID-19 variant, which is thought to be even more transmissible. The regulatory amendments are necessary to help prevent the spread of the COVID-19 virus in New York State, and to help ensure that applicants for or recipients of Public Assistance (PA) participating in eligibility interviews for PA are not exposed to COVID-19.

It is of great importance that interviews may be conducted via telephone or other digital means at the request of the applicants or recipients. The regulatory amendments will allow those vulnerable persons unable to financially provide for themselves an opportunity to continue to access PA to help meet their basic needs while at the same time helping to protect them, as well as other New Yorkers, from COVID-19. Further, the regula-

tory amendments are necessary to conform state regulations with Chapter 133 of the Laws of 2021 and Chapter 144 of the Laws of 2021 by allowing interviews to be conducted by telephone or other digital means at the PA applicant's or recipient's request. Failure to readopt the regulatory amendments will result in an inconsistency between the state regulations and Social Services Law §§ 132(4)(a)-(b), 134-a(3), and 349-a(2), as amended by Chapter 133 of the Laws of 2021 and Chapter 144 of the Laws of 2021.

It is noted that the regulatory amendments are being readopted pursuant to a Notice of Emergency Adoption. To preserve public health, public safety and general welfare, OTDA originally promulgated the emergency rule via a Notice of Emergency Adoption and Proposed Rule Making on October 8, 2021, and the emergency rule became effective on October 9, 2021. The Notice of Emergency Adoption and Proposed Rule Making was published in the New York State Register on October 27, 2021 under I.D. No. TDA-43-21-00006-EP. OTDA will be accepting public comments on the current emergency rule through December 27, 2021. The current emergency rule expires on January 5, 2022. This first re-adoption of the current emergency rule is necessary in order to avoid a lapse in the current emergency rule, insofar as the expiration of the 60-day public comment period will not provide sufficient time for OTDA to publish a Notice of Adoption in the New York State Register before the current emergency rule expires on January 5, 2022.

Subject: Public Assistance (PA) eligibility interviews by telephone or other digital means at PA applicant's or recipient's request.

Purpose: To update State regulations in accordance with chapter 133 of the Laws of 2021 and chapter 144 of the Laws of 2021 by allowing interviews to be conducted by telephone or other digital means at the PA applicant's or recipient's request.

Text of emergency rule: Subdivision (c) of § 350.3 of Title 18 NYCRR is amended to read as follows:

(c) A personal interview with the applicant or a designated representative is required in all cases to establish eligibility for public assistance. Interviews must ordinarily be scheduled within seven working days, except when there is indication of emergency need, in which case the interview must be held at once. *The social services district may allow an interview via telephone or other digital means at the request of the applicant or recipient.*

Part 351 of Title 18 NYCRR is amended as follows:

Subparagraph (iii) of paragraph (4) of subdivision (l) of § 351.2 is amended to read as follows:

(iii) Social services districts must make the screening form available for voluntary client completion[, in writing,] at the application and recertification interview. *Such screenings may be conducted by telephone or other digital means at the request of the applicant or recipient.* However, the district must accommodate clients who wish to provide this screening information verbally when completion is not possible due to literacy problems. The district must also accommodate clients who wish to provide this screening information at another time when completion is not initially possible due to risk of danger to themselves, for example due to the presence of the batterer at the time of the initial screening. The district must provide the screening form to any individual who at any time is identified as a victim of domestic violence, or otherwise requests such screening.

Paragraph (3) of subdivision (b) of § 351.20 is amended to read as follows:

(b) In connection with periodic redetermination of eligibility, the social services district shall:

(3) interview the recipient in a face-to-face interview, *or may interview the recipient by telephone or other digital means at the request of the recipient*, in order to verify factors of eligibility, including those related to:

The Title for § 351.22 and the Index for Part 351 are amended to read as follows:

§ 351.22 Action to be taken upon failure to appear at face-to-face interviews *or failure to participate in an interview by telephone or other digital means*, or upon determination of ineligibility or of change in degree of need.

Subdivisions (a)-(b) of § 351.22 are amended to read as follows:

(a) In all programs of public assistance, there shall be face-to-face recertification interviews, *or, there may be interviews by telephone or other digital means at the request of the recipients*, and contacts as needed in excess of the minimum required by Office regulations shall be made in cases where there is indication of change in need or resources.

(b) Failure to appear at the face-to-face interviews or comply with an Office approved alternative recertification requirement *or failure to participate in an interview by telephone or other digital means*. If a recipient fails to appear, *participate via telephone or other digital means*, or comply with an Office approved alternative recertification requirement, without good cause, the social services official must send a 10-day notice of proposed discontinuance of assistance on a form required by the Office.

(2) If the recipient appears for a face to-face, *telephone or digital* interview during the 10-day notice period, an interview must be arranged. If it is determined that the recipient is eligible for continued assistance, the 10-day notice of proposed discontinuance must be nullified.

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. TDA-43-21-00006-EP, Issue of October 27, 2021. The emergency rule will expire March 4, 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

Regulatory Impact Statement

1. Statutory authority:

Social Services Law (SSL) § 20(3)(d) authorizes the Office of Temporary and Disability Assistance (OTDA) to promulgate regulations to carry out its powers and duties.

SSL § 34(3)(f) requires the Commissioner of OTDA to establish regulations for the administration of public assistance (PA) within the State.

SSL § 131(1) requires social services districts (districts), insofar as funds are available, to provide adequately for those unable to maintain themselves, in accordance with the provisions of the SSL.

SSL § 132 requires that, when an application for assistance or care is received, or a district is informed that a person is in need of PA and care, OTDA make an investigation and record of the circumstances of such person.

SSL § 132(4)(a), as amended by Chapter 133 of the Laws of 2021 and Chapter 144 of the Laws of 2021, requires such investigation to include a screening for alcohol and/or substance abuse that may be conducted by telephone or other digital means at the request of the PA applicant or recipient. SSL § 132(4)(b), as amended by Chapter 133 of the Laws of 2021 and Chapter 144 of the Laws of 2021, requires that, when the screening process indicates that there is reason to believe that an applicant or recipient is abusing or dependent on alcohol or drugs, the district shall require a formal alcohol or substance abuse assessment that may be conducted by telephone or other digital means at the request of the PA applicant or recipient.

SSL § 134-a(3), as amended by Chapter 133 of the Laws of 2021 and Chapter 144 of the Laws of 2021, mandates that the district require persons applying for or receiving PA be interviewed personally at a time and in a manner provided by OTDA regulations, and that the district may provide the option of an interview by telephone or other digital means at the request of the PA applicant or recipient.

SSL § 349-a(2), as amended by Chapter 133 of the Laws of 2021 and Chapter 144 of the Laws of 2021, requires OTDA to periodically inquire regarding the existence of domestic violence affecting an individual PA applicant or recipient, and that such inquiry be performed utilizing a universal screening form, or such screening may be conducted by telephone or other digital means at the request of the PA applicant or recipient.

SSL § 355(3) requires OTDA to promulgate regulations necessary for the uniform administration of PA within the State.

Chapter 133 of the Laws of 2021 amended SSL §§ 132(4)(a)-(b), 134-a(3), and 349-a(2) to allow PA applicants or recipients to be interviewed by telephone at the district's option.

Chapter 144 of the Laws of 2021, which became effective on October 9, 2021, amends Chapter 133 of the Laws of 2021 to allow interviews to be conducted by telephone or other digital means at the request of the applicant or recipient. Section 4 of Chapter 144 requires OTDA to undertake and complete, on or before the October 9, 2021 effective date, "such measures as may be necessary and appropriate to develop the necessary protocols with respect to telephonic screenings, assessments and applications for [PA]."

2. Legislative objectives:

It was the intent of the Legislature in enacting the above statutes that OTDA establish rules, regulations and policies to develop and administer the necessary protocols with respect to telephonic or other digital screenings, assessments and applications for PA.

3. Needs and benefits:

It is necessary for the preservation of the public health, public safety and the general welfare that these amendments be readopted on an emergency basis, as authorized by the State Administrative Procedure Act (SAPA) § 202(6). The 2019 Novel Coronavirus (COVID-19) pandemic remains a significant challenge in New York State. Since March 2020, more than 3,000,000 New Yorkers have been infected by the COVID-19 coronavirus, and the disease has killed more than 60,000 New Yorkers. The Centers for Disease Control and Prevention (CDC) has identified a concerning national trend of increasing circulation of the Delta COVID-19 variant, which is approximately twice as transmissible as the early SARS-

CoV-2 strain, and the Omicron COVID-19 variant, which is thought to be even more transmissible. The regulatory amendments are necessary to help prevent the spread of the COVID-19 virus in New York State, and to help ensure that applicants for or recipients of PA participating in eligibility interviews for PA are not exposed to COVID-19.

It is of great importance that interviews may be conducted via telephone or other digital means at the request of the applicants or recipients. The regulatory amendments will allow those vulnerable persons unable to financially provide for themselves an opportunity to continue to access PA to help meet their basic needs while at the same time helping to protect them, as well as other New Yorkers, from COVID-19. Further, the regulatory amendments are necessary to conform state regulations with Chapter 133 of the Laws of 2021 and Chapter 144 of the Laws of 2021 by allowing interviews to be conducted by telephone or other digital means at the PA applicant's or recipient's request. Failure to readopt the regulatory amendments will result in an inconsistency between the state regulations and Social Services Law §§ 132(4)(a)-(b), 134-a(3), and 349-a(2), as amended by Chapter 133 of the Laws of 2021 and Chapter 144 of the Laws of 2021.

4. Costs:

There are no anticipated costs to the State or social services districts with the readoption of these regulations, as the requirements of the regulations and authorizing statutes are already being implemented.

5. Local government mandates:

Districts are already in compliance with the regulatory amendments, as the requirements of the regulations and authorizing statutes are already being implemented.

6. Paperwork:

The regulatory amendments do not impose any new reporting requirements or other paperwork upon the State or the districts.

7. Duplication:

The regulatory amendments do not duplicate, overlap, or conflict with any existing federal or State law or regulation.

8. Alternatives:

An alternative to readopting the regulatory amendments would be to refrain from readopting them. However, the regulatory amendments are necessary to help prevent the spread of the COVID-19 virus in New York State, and to help ensure that applicants for or recipients of PA participating in eligibility interviews for PA are not exposed to COVID-19. Further, failure to readopt the regulatory amendments will result in an inconsistency between the state regulations and Social Services Law §§ 132(4)(a)-(b), 134-a(3), and 349-a(2), as amended by Chapter 133 of the Laws of 2021 and Chapter 144 of the Laws of 2021. The resulting inconsistency would be contrary to law. Consequently, OTDA does not consider such inaction to represent a viable alternative to readopting the regulatory amendments.

9. Federal standards:

The regulatory amendments do not conflict with any federal standard.

10. Compliance schedule:

To preserve public health, public safety and general welfare, OTDA originally promulgated the emergency rule via a Notice of Emergency Adoption and Proposed Rule Making on October 8, 2021, and the emergency rule became effective on October 9, 2021. The current emergency rule expires on January 5, 2022. Since the regulatory amendments are presently in effect, the State and the districts are already in compliance with the regulatory amendments.

Regulatory Flexibility Analysis

A RFASBLG is not required for the regulatory amendments because the regulatory amendments will neither have an adverse impact upon, nor impose reporting, recordkeeping, or other compliance requirements upon small businesses or local governments. The regulatory amendments conform state regulations pertaining to Public Assistance (PA) programs into compliance with amendments to Social Services Law §§ 132(4)(a)-(b), 134-a(3) and 349-a(2), as effectuated by Chapter 133 of the Laws of 2021 and Chapter 144 of the Laws of 2021, to allow interviews to be conducted by telephone or other digital means at the request of the applicants or recipients. As it was evident from the regulatory amendments that they will not have an adverse impact or impose reporting, recordkeeping, or other compliance requirements, no further measures were needed to ascertain those facts and, consequently, none were taken.

Rural Area Flexibility Analysis

A RAFA is not required for the regulatory amendments because the regulatory amendments will neither have an adverse impact upon, nor impose reporting, recordkeeping, or other compliance requirements upon public or private entities in rural areas. The regulatory amendments conform state regulations pertaining to Public Assistance (PA) programs into compliance with amendments to Social Services Law §§ 132(4)(a)-(b), 134-a(3) and 349-a(2) as effectuated by Chapter 133 of the Laws of 2021 and Chapter 144 of the Laws of 2021, to allow interviews to be conducted by telephone

or other digital means at the request of the applicants or recipients. As it was evident from the proposed regulatory amendments that they will not have an adverse impact or impose reporting, recordkeeping, or other compliance requirements, no further measures were needed to ascertain those facts and, consequently, none were taken.

Job Impact Statement

A JIS is not required for the regulatory amendments. It is apparent from the nature and the purpose of the regulatory amendments that they will not have a substantial adverse impact on jobs and employment opportunities in the social services districts or in the State. The regulatory amendments conform state regulations pertaining to Public Assistance (PA) programs into compliance with amendments to Social Services Law §§ 132(4)(a)-(b), 134-a(3) and 349-a(2), as effectuated by Chapter 133 of the Laws of 2021 and Chapter 144 of the Laws of 2021, to allow interviews to be conducted by telephone or other digital means at the request of the applicants or recipients. Thus, the regulatory amendments will not have any adverse impact on jobs and employment opportunities in New York State.

Workers' Compensation Board

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

DME Fee Schedule

I.D. No. WCB-03-22-00002-P

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

Proposed Action: Amendment of sections 442.1 and 442.2 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 117 and 141

Subject: DME Fee Schedule.

Purpose: To update the DME fee schedule.

Text of proposed rule: A new subdivision (b) of section 442.1 of Title 12 NYCRR is hereby added to read as follows:

(a) This durable medical equipment fee schedule is applicable to durable medical equipment, medical/surgical supplies and other such items prescribed in the course of medical care or treatment for an injured employee dispensed on or after the most recent effective date of section 442.2 of this Part, regardless of the date of accident or date of disablement for an occupational disease. Durable medical equipment, medical/surgical supplies and other such items dispensed on or after July 11, 2007, but prior to the most recent effective date of section 442.2 of this part, shall be reimbursed pursuant to the fee schedule in section 442.2 of this part in effect on the date the durable medical equipment, medical/surgical supply or other such time was dispensed.

(b) *The Official New York Workers' Compensation Durable Medical Equipment Fee Schedule, as set forth in section 442.2 of this Title, shall be updated on an annual basis. New items of durable medical equipment added during the previous year will not have a fee associated to that item. Prior authorization to dispense such durable medical equipment as well as the price paid for the item will be required in accordance with section 442.4 of this Title before such durable medical equipment may be supplied to the claimant.*

Paragraph (1) of subdivision (a) of section 442.2 of Title 12 NYCRR is hereby amended to read as follows:

Section 442.2. Fee schedule

(a)(1) The maximum permissible charge for the purchase of durable medical equipment, medical/surgical supplies, and orthotic and prosthetic appliances shall be the fee payable for such equipment or supplies under the Official New York Workers' Compensation Durable Medical Equipment Fee Schedule, [second] *third* edition, [June 28] *January 3*, 2021, prepared and published by the Board, which is hereby incorporated by reference, *available for viewing free of charge on the Board's website.*

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

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

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

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

Regulatory Impact Statement

1. Statutory Authority:

Workers' Compensation Law (WCL) § 117 and § 141 authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with the provisions of the WCL.

2. Legislative Objectives:

In keeping with the goals and powers of the New York State Workers' Compensation Board (Board) to provide quality and efficient care to injured workers, the proposal updates the DME fee schedule and adds additional codes, and update on an annual basis to assist with ensuring the codes stay up to date.

3. Needs and Benefits:

The proposed amendments update the Board's Durable Medical Equipment (DME) fee schedule and will reduce frictional costs to the system by providing greater clarity in the fees to be billable/payable for DME.

After a thorough analysis of the recently established DME fee schedule, the Board has determined that several other codes need to be added, and updates annually will ensure the codes stay up to date.

4. Costs:

There are no additional costs expected as a result of this proposal – the updating of the fees should either be cost-neutral or reduce overall costs by standardizing the fees charged for the items covered, and should increase clarity and decrease confusion. This should in turn reduce frictional costs associated to fees for DME and unpaid bills for DME should continue to be reduced.

5. Local Government Mandates:

Municipalities or governmental agencies that are self-insured are required to comply with the fee schedule updates, but there are no specific local government mandates associated with this proposal.

6. Paperwork:

No new paperwork will be required as a result of this proposal.

7. Duplication:

There is no duplication of State or Federal regulations or standards.

8. Alternatives:

An alternative would be to not update the fee schedule. However, the Board ultimately decided to provide for these changes in order to reduce confusion as much as possible and make the process more cost and time efficient. The proposal provides greater clarity and guidance.

9. Federal Standards:

There are no applicable federal standards.

10. Compliance Schedule:

The proposed regulation is mandatory. All affected carriers and self-insured employers will need to use the proposed changes to the fee schedules as well as the prior authorization process. All parties will have time to make adjustments prior to the proposal's effective date upon adoption.

Regulatory Flexibility Analysis

1. Effect of rule

The proposed regulation updates the durable medical equipment (DME) fee schedule.

2. Compliance requirements

All affected carriers and self-insured employers will need to comply with the updated DME fee schedule.

3. Professional services

It is believed that no professional services will be needed by small businesses or local governments to comply with the proposed regulation.

4. Compliance costs

Compliance with the proposed regulations should not impose compliance costs on small businesses or local governments, as they already must comply with the current DME fee schedule.

5. Economic and technological feasibility

Compliance with the proposal is economically and technologically feasible for small businesses and local governments, as this proposal simply updates the fee schedule.

6. Minimizing adverse impact

The proposed regulations were written after a thorough analysis of the DME fee schedule recently adopted – it updates the fee schedule. The Board proposed these changes to implement a smoother, more efficient way of providing DME to injured workers, and to ensure the correct codes appear in the DME fee schedule.

7. Small business and local government participation

The Board does not have a small employer or municipality database, but has sent an electronic communication describing the proposal to approximately 10,324 subscribers for Board updates (6,364 health care providers and 3,960 employers) on January 3, 2022.

The Board will also duly consider all public comments received from small businesses or local governments during the public comment period.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas

The proposal updates the durable medical equipment (DME) fee schedule. The DME fee schedule must be used for all DME provided to workers' compensation claimants across New York State, including rural areas.

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

The same compliance and recordkeeping requirements apply to rural areas as metropolitan ones, and no special professional services should be required by rural or any other areas. The proposal updates the fee schedule.

3. Costs

There are no additional costs expected as a result of this proposal – the updating of the fee schedule should either be cost-neutral or reduce overall costs by standardizing the fees charged for items covered and should increase clarity and decrease confusion. This should in turn reduce frictional costs associated to fees for DME and unpaid bills for DME should continue to be reduced.

4. Minimizing adverse impact

The proposed regulations seek to update the fee schedule – to make the DME fee schedule as accurate as possible and decrease any potential confusion with the current DME fee schedule.

5. Rural area participation

The Board will duly consider all public comments received from rural areas during the public comment period.

Job Impact Statement

The proposed regulation will not have any impact, adverse or otherwise, on jobs. The proposed amendments update the durable medical equipment fee schedule.

**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=QmVvaWxwZ2JaRi91bW1pTUxBZ2JHdz09, Meeting ID: 951 3278 8304, Passcode: 8p4dru</p> <p>Zoom—February 17, 2022, 9:00 a.m. Link: https://zoom.us/j/99029637239?pwd=eHcyYEdYRmY3SVFzMnNhdzdpdFZzdz09, 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.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

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

AAM-23-21-00001-P	07/07/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards
AAM-31-21-00014-P	09/15/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards
AAM-52-21-00001-EP	12/29/22	Control of the Box Tree Moth (<i>Cydalima perspectalis</i>)	To help control the spread of the Box Tree Moth, which infests certain landscaping host plants, rendering them unmarketable
AAM-02-22-00002-EP	01/12/23	License to Grow Hemp and Hemp Research Authorizations	To implement the New York State Hemp Grower License program.

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-42-21-00009-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.

Action Pending Index**NYS Register/January 19, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
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.
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.
ASA-52-21-00005-EP	12/29/22	Masking requirements in all OASAS certified/funded/otherwise authorized settings	To prevent the ongoing threat to public health of the spread of COVID-19 in OASAS settings
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
OCM-01-22-00026-P	01/05/23	Part 114 - Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
CHILDREN AND FAMILY SERVICES, OFFICE OF			
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
CFS-52-21-00002-EP	12/29/22	To establish minimum standards to control the spread of COVID-19	To establish minimum standards to control the spread of COVID-19
CFS-52-21-00003-EP	12/29/22	To establish minimum standards to control the spread of COVID-19 at residential congregate programs.	To establish minimum standards to control the spread of COVID-19 at residential congregate programs.
CIVIL SERVICE, DEPARTMENT OF			
CVS-23-21-00007-P	06/09/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-40-21-00008-P	10/06/22	Jurisdictional Classification	To classify a position in the exempt class.
CVS-40-21-00009-P	10/06/22	Jurisdictional Classification	To delete positions from and classify positions in the exempt class.
CVS-40-21-00010-P	10/06/22	Jurisdictional Classification	To delete positions from and classify a position in the exempt class and to classify a position in the non-competitive class
CVS-40-21-00011-P	10/06/22	Jurisdictional Classification	To classify positions in the exempt class.
CVS-40-21-00012-P	10/06/22	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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.
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
CVS-01-22-00019-P	01/05/23	Family Sick Leave	To increase amount of annual family sick leave from fifteen (15) to twenty-five (25) days for eligible M/C employees
CVS-01-22-00020-P	01/05/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-01-22-00021-P	01/05/23	Jurisdictional Classification	To classify positions in the exemp class and to classify a subheading and positions in the non-competitive class
CVS-01-22-00022-P	01/05/23	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-01-22-00023-P	01/05/23	Jurisdictional Classification	To delete a position from and classify a position in the exempt class.
CVS-01-22-00024-P	01/05/23	Jurisdictional Classification	To classify a position in the exempt class.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-01-22-00025-P	01/05/23	Jurisdictional Classification	To classify positions in the exempt 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-08-21-00002-RP	02/24/22	The Definition of the Term "University"	To clarify and broaden the definition of the term "university"
EDU-39-21-00001-EP	09/29/22	Technical amendments relating to the School Safety and Educational Climate (SSEC) reporting system.	To make technical corrections relating to the SSEC reporting system.
EDU-39-21-00008-EP	09/29/22	Flexibility for accountability requirements in response to the COVID-19 crisis.	To provide flexibility for accountability requirements in response to the COVID-19 crisis.
EDU-39-21-00011-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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.
EDU-52-21-00012-P	12/29/22	General Education Core in the Liberal Arts and Sciences requirements	To remove the General Education Core in the Liberal Arts and Sciences requirements for registered teacher preparation programs and Individual Evaluation Pathway to teacher certification
EDU-52-21-00013-P	12/29/22	The teacher performance assessment requirement for certification.	To modify the teacher performance assessment requirement by eliminating the requirement of the edTPA for certification
EDU-52-21-00014-P	12/29/22	Requirements for the Reissuance of an Initial Certificate	To remove the requirement that candidates complete 50 hours of CTLE and/or professional learning to obtain a reissuance
EDU-52-21-00015-EP	12/29/22	Administration of non-injectable glucagon in schools by trained unlicensed school personnel	To conform the Commissioner's regulations to Chapter 339 of the Laws of 2021
ELECTIONS, STATE BOARD OF			
SBE-33-21-00010-P	08/18/22	Public Campaign Finance Program	Implementation of the Public Campaign Finance Program
SBE-39-21-00002-P	09/29/22	County Voter Registration Systems Requirements	Requirements County Voter Registration Systems Must Meet in Order to Connect to the Statewide Voter Registration System
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

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

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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
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
SGC-02-22-00003-P	01/12/23	Regulation of charitable gaming Internet raffles.	To implement Internet raffles regulation as directed by statute.
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-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-22-21-00004-P	06/02/22	Hospice Residence Rates	To authorize Medicaid rate of payment to increase the Hospice Residence reimbursement rates by 10 percent
HLT-22-21-00009-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-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.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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.
HLT-01-22-00004-P	01/05/23	Prescription Refills	Limits Medicaid FFS prescriptions to a maximum of 12 fills within one year from the date the prescriber initiates a prescription
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
MENTAL HEALTH, OFFICE OF			
OMH-09-21-00001-EP	..... 03/03/22	Redesigning Residential Treatment Facilities (RTF)	To provide clarity and provide uniformity relating to RTF's and to implement Chapter 58 of the Laws of 2020
OMH-20-21-00006-P	..... 05/19/22	Establishment of Youth Assertive Community Treatment (ACT)	To include children in the populations eligible to receive ACT and other conforming changes
OMH-33-21-00005-P	..... 08/18/22	Establishes Crisis Stabilization Centers.	To establish standards for a Crisis Stabilization Center which provides a full range of psychiatric and substance use services.
OMH-40-21-00007-EP	..... 10/06/22	COVID-19 Masking Program	To implement a COVID-19 mask program
OMH-43-21-00002-EP	..... 10/27/22	COVID-19 Vaccination Program	To implement a COVID-19 vaccination program in OMH Operated or Licensed Hospitals
OMH-48-21-00003-EP	..... 12/01/22	Telehealth Expansion.	To establish regulations regarding the expansion of telehealth.
METROPOLITAN TRANSPORTATION AGENCY			
MTA-16-21-00004-EP	..... 04/21/22	Requiring mask wearing when using the facilities and conveyances of the MTA and its operating affiliates and subsidiaries	To safeguard the public health and safety by adding a new all-agency rule requiring the use of masks in facilities and conveyances

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MOTOR VEHICLES, DEPARTMENT OF			
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
PAS-44-21-00016-P	exempt	Rates for the Sale of Power and Energy	To align rates and costs
PUBLIC EMPLOYMENT RELATIONS BOARD			
PRB-01-22-00006-P	01/05/23	Rules and regulations to effectuate the purposes of the State Employment Relations Act (Labor Law Art. 20).	To enact procedures for the Farm Laborers Fair Laborers Practice Act, which amended the State Employment Relations Act.

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-37-06-00017-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-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.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 Dynegey to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegey to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 meter for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-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.
*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-42-20-00006-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$41.8 million (or 9.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-20-00009-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$100.4 million (or 3.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-43-20-00003-P	..... exempt	The use of \$50 million to support residential and commercial customers experiencing financial hardship	To consider whether the proposed support of ratepayers is in the public interest
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-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-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-16-21-00006-P	..... exempt	The appropriate level of community credit capacity for distributed energy generation projects in the territory.	Consideration of an increase in the community credit capacity for distributed generation projects in the territory.
PSC-16-21-00007-P	..... exempt	Accounting-related rules for utilities implementing the Integrated Energy Data Resource.	To consider cost recovery of capital expenditures and budget allocations of costs between affiliated companies.
PSC-17-21-00005-P	..... exempt	Submetering equipment.	To consider use of submetering equipment and if it is in the public interest.
PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation.	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation.
PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities.	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities.
PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs.	To modify and improve Community Choice Aggregation programs in New York State.
PSC-18-21-00005-P	..... exempt	Proposed transfer of the Company's capital stock to the Purchaser.	To determine if transfer of the Company's capital stock to the Purchaser is in the public interest.
PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products.	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products.
PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits.	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers.
PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG).	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program.
PSC-19-21-00009-P	..... exempt	Major electric rate filing.	To consider an increase in O&R's electric delivery revenues.
PSC-19-21-00012-P	..... exempt	Major gas rate filing.	To consider an increase in O&R's gas delivery revenues.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-22-21-00008-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-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-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-33-21-00008-P	..... exempt	Establishment of a Tapping and Connection Fee.	To consider whether the proposed fees are in the public interest.
PSC-33-21-00009-P	..... exempt	Banking of credits and switching between Community Distributed Generation and Remote Crediting projects.	To ensure just and reasonable rates charged to customers.
PSC-34-21-00004-P	..... exempt	CDG subscriber eligibility requirements.	To consider modifications to the CDG program eligibility requirements for certain Standby Service customers.
PSC-34-21-00006-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-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-35-21-00009-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-37-21-00009-P	..... exempt	Procedures necessary to implement Tax Law Section 187-q.	To establish procedures by which eligible utility-taxpayers can have the amounts of certain waived customer arrears certified.
PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems.	To consider modifications to the Clean Energy Standard.
PSC-37-21-00011-P	..... exempt	Green Button Connect implementation.	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers.
PSC-37-21-00014-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-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-38-21-00007-P	..... exempt	Electric metering equipment.	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-39-21-00005-P	..... exempt	Establishment of the regulatory regime applicable to a electric transmission facility.	To ensure appropriate regulation of a new electric corporation.
PSC-39-21-00006-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification.	To facilitate secure customer data exchanges between the utility or provider and energy service entities.
PSC-40-21-00017-P	..... exempt	The Commission's Order Adopting Utility Energy Registry Modifications	To determine if the Commission committed errors of law or fact in its Order, or if new facts warrant a different result.
PSC-40-21-00018-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-40-21-00020-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-40-21-00021-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-41-21-00005-P	..... exempt	Area code overlay as relief of the exhausting 516 area code (Long Island).	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-41-21-00006-P	..... exempt	The proposed transfer of ownership interests and debt financing arrangement related to an electric generating facility.	To determine whether the proposed transfer of ownership interests and financing arrangement are in the public interest.
PSC-41-21-00008-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-41-21-00009-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.
PSC-41-21-00010-P	..... exempt	Waiver of the prohibition on service to low-income customers by ESCOs.	To consider the petition for an extension of the waiver of the prohibition on service to low-income customers by ESCOs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-21-00011-P	..... exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-42-21-00005-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-42-21-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-42-21-00007-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-43-21-00007-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates.
PSC-43-21-00008-P	..... exempt	Incremental demand side management programs.	To consider proposed demand side management programs and cost recovery.
PSC-44-21-00010-P	..... exempt	Petition to enter a long term loan agreement and to institute a surcharge for recovery.	To determine if the issuance of long term debt and a surcharge mechanism for recovery is in the public interest.
PSC-44-21-00011-P	..... exempt	The amount electric, gas, and steam corporations can charge for security deposits, and the acceptable forms of payment.	To establish security deposit requirements.
PSC-44-21-00012-P	..... exempt	Disposition of a New York State tax refund.	To determine the disposition of a tax refund obtained by New York American Water Company, Inc.
PSC-44-21-00013-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-44-21-00014-P	..... exempt	Development of distribution and local transmission in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the the State's climate goals.
PSC-45-21-00004-P	..... exempt	The SIR and Application Process for New DG and ESS 5 MW or Less Connected in Parallel with Utility Distribution Systems.	To accommodate federal government agencies that wish to install distributed generation or energy storage systems 5 MW or Less.
PSC-46-21-00011-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-46-21-00012-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-46-21-00013-P	..... exempt	ESCO Eligibility	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
PSC-46-21-00014-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated.	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access.
PSC-47-21-00004-P	..... exempt	Proposed modifications to CDRP.	To consider revisions to CDRP, as well as conforming tariff revisions.
PSC-47-21-00005-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated.	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access.
PSC-48-21-00004-P	..... exempt	Proposed filings to modify Riders AB and J - Smart Home Rate.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-48-21-00005-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Hamburg.
PSC-48-21-00006-P	..... exempt	Electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan.	To consider whether to retire the Performance Assurance Plan.
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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
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
PSC-52-21-00006-P	..... exempt	Proposed tariff revisions to the Companies firm demand response programs for the 2021-2022 season.	To effectuate more efficient firm gas 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-52-21-00007-P	..... exempt	Clean Energy Standard Tier 1 Load Serving Entity Obligations.	To modify the Tier 1 Load Serving Entity obligations for compliance year 2023 and establish the obligation for year 2024.
PSC-52-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-52-21-00009-P	..... exempt	Authorization to recover costs for 19 transmission projects and related mechanisms.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-52-21-00010-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-01-22-00007-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-01-22-00008-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-01-22-00009-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-01-22-00010-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-01-22-00011-P	..... exempt	Waiver of Article VII requirements.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-01-22-00012-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-01-22-00013-P	..... exempt	Interconnection costs.	To consider a petition requesting relief from interconnection costs assigned by the interconnecting utility.
PSC-01-22-00014-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-01-22-00015-P	..... exempt	Petition to enter into a lease agreement and impose a surcharge.	To consider entry into a lease agreement and to impose a surcharge.
PSC-01-22-00016-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-01-22-00017-P	..... exempt	Establishment of the regulatory regime applicable to a renewable natural gas project.	To ensure appropriate regulation of a new gas corporation.
PSC-01-22-00018-P	..... exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 19.6%	To ensure adequate levels of Installed Capacity.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-02-22-00004-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-02-22-00005-P	..... exempt	The electric utilities' 2022 Electric Emergency Response Plans.	To consider the adequacy of the proposed 2022 Electric Emergency Response Plans.
PSC-02-22-00006-P	..... exempt	Green gas products.	To consider whether to extend the waiver permitting Family Energy, Inc. to serve existing customers on a green gas product.
PSC-02-22-00007-P	..... exempt	Proposed changes to Rider Z - SC 1 Innovative Pricing Pilot and Rider AA - SC 2 Innovative Pricing Pilot.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-03-22-00003-P	..... exempt	Proposal by electric utilities on a revised benefit cost analysis method.	To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals.
PSC-03-22-00004-P	..... exempt	Proposal by electric utilities on a coordinated electric grid planning process.	To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals.
STATE, DEPARTMENT OF			
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-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-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-01-22-00001-EP	01/05/23	2019 Novel Coronavirus (COVID-19) masking requirements in congregate shelters	Protect the well-being of shelter staff and persons staying in congregate shelters
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
WCB-52-21-00004-EP	12/29/22	Independent Livery Drivers and Independent Livery Driver Fund	To implement the Cisnero Appellate Division case (194 A.D.3d 1344)
WCB-03-22-00002-P	01/19/23	DME Fee Schedule	To update the DME fee schedule

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

19th U Multifamily, LLC
3800 N. Central Ave., Phoenix, AZ 85012
State or country in which incorporated — Arizona

Alger Funds, The
360 Park Ave. S, New York, NY 10010
State or country in which incorporated — Massachusetts

Alps Distributors, Inc.
9 Old Kings Hwy. S, Darien, CT 06820
State or country in which incorporated — Delaware

Alps Distributors, Inc.
1295 State St., Springfield, MA 01111
State or country in which incorporated — Massachusetts

Alterra IOS Venture II LP
720 Fayette St., Suite 700, Conshohocken, PA 19428
Partnership — Alterra IOS Venture II GP LLC

Arden Qualified Opportunity Zone Fund, L.P.
1600 Market St., Suite 2600, Philadelphia, PA 19103
Partnership — Arden QOZ GP, LLC

AREP Warden QOF LLC
226 5th Ave., 2nd Fl., New York, NY 10001
State or country in which incorporated — Delaware

ClearLight Biotechnologies, Inc.
428 Oakmead Pkwy., Sunnyvale, CA 94085
State or country in which incorporated — Delaware

Coeptis Therapeutics, Inc.
105 Bradford Rd., Suite 420, Wexford, PA 15090
State or country in which incorporated — Delaware

CX Liberty Mill, DST
4890 W. Kennedy Blvd., Suite 200, Tampa, FL 33609
State or country in which incorporated — Delaware

Dalmore Group LLC, The
525 Green Place, Woodmere, NY 11598
State or country in which incorporated — New York

El Cortez Multifamily, LLC
1883 W. Royal Hunte Dr., Suite 200-A, Cedar City, UT 84720
State or country in which incorporated — Arizona

GSH Veridian Investment, LLC
340 S. Main St., Clawson, MI 48017
State or country in which incorporated — Michigan

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

Investment Managers Series Trust
235 W. Galena St., Milwaukee, WI 53212
State or country in which incorporated — Delaware

Legacy HZ Partners I, LP
37 Graham St., Suite 200B, San Francisco, CA 94129
Partnership — HZ Manager II, LLC

MAPS Houston One LLC
c/o Mirae Asset Investments 12F, Tower 1, 33 Jong-ro, Jongno-gu,
Seoul, Republic of Korea 03159
State or country in which incorporated — Delaware

MAPS St. Petersburg One LLC
c/o Mirae Asset Investments 12F, Tower 1, 33 Jong-ro, Jongno-gu,
Seoul, Republic of Korea 03159
State or country in which incorporated — Delaware

Mars Meadowridge, LLC
7341 Beranger Dr., Irving, TX 75063
State or country in which incorporated — Texas

NexPoint Life Sciences DST
300 Crescent Court, Suite 700, Dallas, TX 75201
State or country in which incorporated — Delaware

Triangle Service Center, Inc.
PO Box 12255, Research Triangle Park, NC 27709
State or country in which incorporated — North Carolina

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REMOVE/REPLACE BOILERS/ASSOCIATED INFRASTRUCTURE Utica State Office Building Utica, Oneida County

Sealed bids for Project Nos. 46099-H and 46099-E, comprising separate contracts for HVAC Work and Electrical Work, Remove/Replace Boilers & Associated Infrastructure, Utica State Office Building, 207 Genesee Street, Utica (Oneida 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 26th, 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 \$36,600 for H, and \$8,200 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for H, and between \$50,000 and \$100,000 for E.

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

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

reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 547 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.

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 10:00 a.m. on January 13, 2022, at the Utica State Office Building, 207 Genesee Street, Utica, NY 13502. 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 Michael L Cook, (315-736-5770) 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 4% for MWBE participation, 2% for Minority-Owned Business Enterprises ("MBE") participation and 2% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Housing and Community Renewal
Housing Trust Fund Corporation
Office of Community Renewal
38-40 State St., 4th Fl. S
Albany, NY 12207

NON-ENTITLEMENT AND ENTITLEMENT COMMUNITIES 2020 Community Development Block Grant (CDBG-CV) Corona- virus Aid, Relief, and Economic Security Act (CARES) Funding

The Housing Trust Fund Corporation (HTFC) announces the availability of approximately \$78 million in NYS Community Development Block Grant (CDBG) funding for COVID-19 response available through the CARES Act (CDBG-CV). This notice replaces a prior NOFA and is intended as a continuance of the funding opportunity made available for CDBG CARES funding administered by NYS Homes & Community Renewal.

NYS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM-CV

Program Description

The New York State Community Development Block Grant Program (NYS CDBG) is a federally funded program administered by the Housing Trust Fund Corporation's (HTFC) Office of Community Renewal (OCR). The CDBG-CV funding will be available to non-entitlement & entitlement communities statewide to prepare, prevent, or respond to impacts of COVID-19 and potential variants or future pandemics.

CDBG Eligible Applicants

The Office of Community Renewal will accept applications from units of local governments statewide for CDBG-CV funds.

OCR will also accept applications from not-for-profit subrecipients if the proposed activity will:

- Improve efficiency, timeliness and consistency in the release of the funding to communities in need;
- Allow work across municipal borders or to serve larger geographic regions; or
- Allow for larger contract amounts covering multiple projects or activities, reducing the administrative burden of multiple smaller awards.

Not-for-profit subrecipients must:

- Demonstrate exceptional financial and administrative capacity including ability to meet Federal compliance requirements including but not limited to NEPA, Davis Bacon, URA etc.
- Demonstrate ability to meet federal requirements to qualify as a subrecipient.
- Detail unmet need, local government capacity concerns or other considerations that necessitate the use of a non-profit subrecipient.
- Demonstrate qualified not-for-profit status for at least two years prior to applying
- Demonstrate that there have been no single audit findings associated with the use of any and all federal and state grant funds.
- Document the support of participating units of local government through a municipal resolution(s), letters of support, or other evidence of support by the full legislative body.

Among not-for-profit applicants, HCR will prioritize funding projects that qualify under the CDBG Public Service activity. HCR will allow awards to not-for-profit subrecipients for capital projects only when the above conditions are met and may restrict or cease awards to not-for-profit subrecipients when internal administrative capacity is reached.

CDBG-CV General Activity Areas

An applicant may request funding for one or more activities. Applicants must document need and demand for proposed activities and present clear proposal for timely expenditure of funds.

- Supporting Small Business
 - o Examples: Point of sale improvements, new equipment or fixtures to guide social distancing, working capital to resume operations, marketing assistance to pivot to digital sales etc.
- Improving Air Quality in Public Facilities
 - o Examples: Assist municipal public facilities, nursing homes, supportive and public housing developments and other critical institutions with reconfiguration and physical adjustments to comply with social distancing, improved air quality, reduced occupancy and other requirements
- Housing for Safe Shelter
 - o Examples: Lead remediation, rental and single-family homeowner repairs, reconfiguration of communal spaces, down payment assistance to increase homeownership and reduce density in housing, etc.
- Conversion of Underutilized Buildings for Affordable Housing
 - o Examples: Conversion of vacant and abandoned residential and commercial properties for housing and to better respond to COVID-19.
- Public Services
 - o Example: Vaccine Outreach and awareness, Support for mental health services, food programs, wi-fi connectivity for underserved communities

2021 CDBG-CV Funding Limits*

	Minimum	Maximum
Towns, Cities and Villages:	\$300,000	\$2,000,000
Counties and New York City:	\$300,000	\$3,000,000
All Municipalities - Combined Activities	\$300,000	\$5,000,000

*Funding limits for projects administered through qualifying not-for-profits will be based on the project scope, need presented and ability to complete project and expend funds within the required term.

These limits are provided as guidelines for expected award limits. Larger awards may be approved based on demonstrated need and capacity to complete proposed activities within 12-month term or to support regionally coordinated efforts and high impact activities. Wherever possible, OCR will encourage larger contract amounts and the aggregation of eligible activities.

Application for Funding

The application for CDBG-CV Activities is available on the NYS CDBG Homes and Community Renewal web site beginning Wednes-

day, December 29, 2021. Applications will be accepted on an open round basis with rolling awards until 4:00 pm Thursday, June 30th, 2022 or until funding has been exhausted. Applications must be submitted using the application form provided online and submitted to CDBG CARES@hcr.ny.gov.

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using the provided email inbox. Requests for approval to submit a paper application must be sent to: NYS Homes and Community Renewal, Office of Community Renewal – CDBG CARES Hampton Plaza, 38-40 State Street, 4th Floor South, Albany, NY 12207.

HTFC/HCR reserve the right to award all, a portion of, or none of an applicant's requested funds based upon funding availability, feasibility of the applications received, an applicant's ability to meet HTFC criteria for funding. HTFC also reserves the right to change or disallow aspects of the applications received and may make such modifications an expressed condition of its commitment to provide funding to a project.

HTFC/HCR reserve the right to end or extend the Notice of Funding Availability and Request for Applications at any time and subject to availability of funds. HTFC reserves the right to waive or modify any requirement contained in the Notice of Funding Availability or Request for Applications and applications received are subject to any applicable State and/or Federal laws and regulations.

Contact Information

For inquiries or technical assistance regarding the NYS CDBG program, please contact: NYS Home and Community Renewal, Office of Community Renewal at the above address, by email at CDBG CARES@hcr.ny.gov, <https://hcr.ny.gov/communityrecovery> or by telephone at (518) 474-2057

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to comply with enacted federal statutory provisions of Section 9817 of the American Rescue Plan Act of 2021 (ARPA).

Non-Institutional Services

The following is a clarification to the September 15, 2021 noticed provision to enhance (increase) state established reimbursement rates.

With clarification, State established rates will be enhanced for state-plan approved Children and Family Treatment and Support Services (CFTSS) through September 30, 2022.

With clarification, State established rates for Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) preventive residential treatment (PRT) services and rehabilitative residential treatment (RRT) will be enhanced through September 30, 2022.

The estimated annual net aggregate increase in gross Medicaid expenditures as a result of the proposed amendments for both CFTSS and EPSDT PRT and RRT services is \$33,750,706.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status. Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018
Queens County, Queens Center

3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to enhance and increase access to Home and Community Based Services (HCBS) in accordance with the federal statutory provisions of Section 9817 of the American Rescue Plan Act of 2021 (ARP).

Non-Institutional Services

The following is a clarification to the October 13, 2021 noticed provision that proposed to increase Personalized Recovery Oriented Services (PROS) reimbursement rates.

With clarification, the rates for state-plan approved Personalized Recovery Oriented Services (PROS) will be increased by 10.30 percent annually, effective October 14, 2021. However, to allow for full disbursement of funds available April 1, 2021 – March 31, 2022, the rate increase for the period October 14, 2021 – March 31, 2022 will be an additional 12.00 percent, for a total increase of 22.30 percent. Rates will then be reduced 12.00 percent effective April 1, 2022.

The estimated annual net aggregate increase in gross Medicaid expenditures as a result of this proposed increase for PROS is \$8,100,000.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status. Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Division of Finance and Rate Setting, 99
Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY
12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to enhance and increase access to Home and Community Based Services (HCBS) in accordance with the federal statutory provisions of Section 9817 of the American Rescue Plan Act of 2021 (ARP) which, subject to approval of the State's initial spending plan and narrative (Spending Plan) by the Centers for Medicare and Medicaid Services (CMS), provides a ten percent increase in Federal Medical Assistance Percentage (FMAP) to state Medicaid programs from April 1, 2021 to March 31, 2022 to supplement existing state expenditures on HCBS. The following changes are proposed:

Non-Institutional Services

The following is a clarification to the October 27, 2021 noticed provision to enhance (increase) state established reimbursement rates, as follows:

- 1) With clarification, the ten percent increase in Residential Addiction Rehabilitation Services rates will be enhanced November 1, 2021 through June 30, 2022.
- 2) Rate increases for Outpatient Addiction Rehabilitation Services will be temporarily increased by an additional 10 percent from November 1, 2021 through June 30, 2022.
- 3) Rates for state-plan approved Addiction Services will be increased by an additional 10 percent from November 1, 2021 through June 30, 2022.
- 4) Rates for Residential Rehabilitation reintegration service base rates will be implemented and increased 50% from November 1, 2021 to June 30, 2022. Rates will then be reduced 50% percent effective July 1, 2022 to base rate.

The estimated annual net aggregate increase in gross Medicaid expenditures as a result of all proposed rate actions will be \$98,224,852.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status. Individuals without Internet access may view the State Plan Amendments at any local (county) social services district. For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact:
Department of Health, Division of Finance and Rate Setting, 99
Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY
12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE

Department of State

F-2021-0802

January 19, 2022

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-2021-0802, the Village of Sleepy Hollow, is proposing to cut the existing bulkhead at the mudline then construct a riprap revetment landward of the existing bulkhead. Plantings are proposed above Spring High Tide and a concrete retaining wall at the top of the revetment. The project will take place at Ichabod's Landing Shoreline Stabilization, 115 River Street, in the Village of Sleepy Hollow, Westchester County on the Hudson River.

The stated purpose of the proposed action is to "remove an existing deteriorated bulkhead in Sleepy Hollow, New York along the Hudson River. The bulkhead will be replaced with riprap to protect an upland water-enhanced public space, as well as the lawn of the Ichabod's Landing development."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/01/f-2021-0802.pdf>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or February 3, 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-2021-0819

Date of Issuance – January 19, 2022

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-2021-0819 the applicant, The Boatyard at Founders Landing, Inc., is proposing a 10 year maintenance dredge of the boat basin to -7 below Mean Low Water Elevation 0.0’. The boat basin is approximately 2,400 square feet. Approximately 240 cubic yards of spoil will be dredged and trucked off site to an approved disposal site. This project is located at 2700 Hobart Road and 1000 Terry Road, Town of Southold, Suffolk County, on Town Creek.

The purpose of the project is to maintain water depth for boats using the marina.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/01/f-2021-0819.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Town of Southold Local Waterfront Revitalization Program:

<https://dos.ny.gov/location/town-southold-local-waterfront-revitalization-program>

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., 15 days from the date of publication of this notice or February 3, 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-2021-0970

Date of Issuance – January 19, 2022

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-2021-0970- Michael Belsito-proposes to Reconstruct 99.6-4 LF timber navy bulkhead (34.64 LF w/in 3’7” and 65 LF w/in 3’4”) in order to clear the existing piles and sister piles due to the close proximity of the existing garage, patio and pool. Raise top of bulkhead 18”. Install 3’7” and 3’4” returns. Install two 5’ x 14’ jet ski lifts on two float anchor pipes. Remove/reset fences. Truck in clean fill. Work

around existing marine structures remove/reset where necessary to access bulkhead work area. at 4067 Darby Lane, Seaford.

Town of Hempstead, Nassau County, Seaford Creek

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/01/f-2021-0970consistcert.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 February 18, 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-2021-0981

Date of Issuance – January 19, 2022

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-2021-0981, John O’Connell for Bay Club Condominium-proposes to install 279 LF Pile supported wave break on existing mooring piles of marina’s floating docks and add 9- 16” to 24” piles to support the wave break on west and east side. Bottom of wave break to be a 1.7’ to 18.5’ above water body bottom. All of project is below APLW in a Littoral Zone tidal wetland area at 789 West Park Avenue, Long Beach.

City of Long Beach, Nassau County, Reynolds Channel

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/01/f-2021-0981consistcert.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 February 18, 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-2021-1009

Date of Issuance – January 19, 2022

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-2021-1009-Orleans County DPW-Construction of a new 105' long single span bridge, raised vertically approximately 1.3' from the existing. The Clear roadway width will be 26'-0" at 144 Yates Carlton Townline Road, Lyndonville.

Towns of Carlton and Yates, Orleans County, Johnson Creek

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/01/f-2021-1009-consistcert.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s): Johnson Creek Significant Coastal Fish and Wildlife Habitat (https://dos.ny.gov/system/files/documents/2020/03/johnson_creek.pdf)

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or February 18, 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-2021-1131

Date of Issuance – January 19, 2022

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-2021-1131, Andyiscool Industries LLC, is proposing to maintain as constructed 4 existing docks including: a 6' wide by 60' long dock, an 8' wide 135' long dock with 10 finger dock each being up to 6' wide by 35' long, a 6' wide by 125' long dock with 10 finger docks each being up to 6' wide and 35' long with 1 finger dock having a 6'x10' platform at the waterward end and a 6' wide by 96' long dock with 4 finger docks each being 4' wide by 25' long. In addition, remove 8 other docks and an 81' long by 40 wide boathouse.

Additionally, the applicant proposes to construct an 8' wide by 120' pile (6" piles) supported dock, add 5 new 3' wide by 20' long finger docks to the existing 96' long dock, install a 5' wide by 106' long dock with 10 3' wide by 20' long finger docks and install a 5' wide by 100' long dock. All new docks would be supported by 6" steel piles. In addition, install sheet pile along ~200 linear feet of shoreline landward of the Ordinary High Water mark and then dredge up to 1,490 cubic yards of loose rock and silt from a 31,258 square foot area down to 240' IGLD with on-site upland placement of dredged material.

The proposal is for Northern Marine located on the St. Lawrence River at 16782 Stern Drive in the Town of Clayton, Jefferson County.

The stated purpose of the proposed action is to remove deteriorated existing boathouse, stabilize and reinforce the shoreline, and install new and additional floating docks to expand the functionality of the marina."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/>

[documents/2022/01/f-2021-1131publicnotice.pdf](https://dos.ny.gov/public-notices) 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 February 18, 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-2021-1137

Date of Issuance – January 19, 2022

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-2021-1137, Dennis Vianna is proposing to construct a 4' x 150' pier, including a four slip piles and three safety ladders. Also, planned is the reorientation of existing bulkhead staircase to the northerly side of the proposed pier. The project is located Shinnecock Bay at 176A Bay Avenue East, Hampton Bays, NY, 11946, Suffolk County.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/01/f-2021-1137vianna.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 February 18, 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-2021-1150

Date of Issuance – January 19, 2022

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-2021-1150, NYC MTA C&D, is proposing structural repairs and repainting of both drawbridges. In addition, to accommodate the third passenger track as part of the Proposed Project, a new two span bridge would be constructed over the Bronx River to the north of the existing bridge. The project is located east of Arthur V. Sheridan Expressway and West of Bronx River Avenue, north of Westchester Avenue Bridge, Bronx/Manhattan, Bronx River.

The stated purpose of the proposed action is to provide improved rail access to Penn Station New York (PSNY) and Manhattan's west side from southern Connecticut, Westchester County, and the eastern Bronx.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/01/f-2021-1150mtabronxriver.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 February 18, 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-2021-1160

Date of Issuance – January 19, 2022

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-2021-1160, Robert Kraus, is proposing to install a 5-foot-wide by 350-foot-long fixed pier accessed at the bulkhead. Attached on the north and south side of the fixed pier, the applicant will install two 16-foot-wide by 18-foot-long boat lifts, and on the west end, the applicant will install a 8-foot-wide by 30-foot-long floating dock connected by a 3-foot-wide by 35-foot-long gangway. Project location is 40 Bayport Lane, Village of Great Neck, Nassau County, Little Neck Bay

The stated purpose of the proposed action is to dock vessels at the residential property.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/01/f-2021-1160robertkraus.pdf> or at <https://dos.ny.gov/public-notices>

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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.

2021-0634 Matter of Tower Consulting Engineers, Hamza Ali Murtaza, PE, 120 W. 31st St., Suite 601, New York, NY 10001, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 45 Jomar Road, Shoreham; Town of Brookhaven, NY 11786, County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

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2022-0001 Matter of Loren and Carol Lampros, Six Warner Court, Huntington, NY 11743, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 40 Henry Street, Huntington Station; Town of Huntington, NY 11746, County of Suffolk, State of New York.

2022-0002 Matter of Hugh Schaefer, 174 West Merrick Road, Merrick, NY 11566, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 680 C Front Street, Village of Hempstead, NY 11550, County of Nassau, State of New York.

2022-0003 Matter of DRV Architect, P.C., Douglas R. Vaggi, 1180 Park Avenue, Franklin Square, NY 11010, 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 Three Norma Lane, Dix Hills; Town of Huntington, NY 11746, County of Suffolk, State of New York.

EXECUTIVE ORDERS

Executive Order No. 3.3: Continuing the Declarations of Disaster Emergencies.

WHEREAS, pursuant to Executive Order 198, issued November 20, 2019, a disaster was declared within the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne due to extensive flooding, widespread erosion, and water damage that caused significant damage to homes and other residential structures, businesses, and public infrastructure;

WHEREAS, pursuant to Executive Order 211, issued July 6, 2021, a statewide disaster was declared across the State due to gun violence;

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, 3.1, and 3.2, and continue the terms, conditions, and suspensions contained in Executive Orders 198 through 198.19, 211, 211.1, until January 21, 2022.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-second day of December in the year two thousand twenty-one.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

Executive Order No. 4.3: 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 4.2, and continue the terms, conditions, and suspensions contained in Executive Orders 4, 4.1, and 4.2 until January 25, 2022.

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 January 25, 2022 the following:

- Section 2824(7)(c) of the Public Health Law to the extent

necessary to permit healthcare facilities to continue to employ surgical technologists who failed to meet the minimum standards for surgical technologists within two years of the start of employment or contracting for the performance of surgical technology.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-sixth day of December in the year two thousand twenty-one.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

Executive Order No. 11.1: 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 2021;

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;

WHEREAS, a new SarCoV2 variant, known as Omicron, has been identified and named a variant of concern by the World Health Organization and the Centers for Disease Control and Prevention;

WHEREAS, this variant has been identified in all 50 U.S. states, including New York, and more than 104 countries;

WHEREAS, this Omicron variant has been shown to be highly transmissible and may cause exponential spread;

WHEREAS, current vaccinations do not appear to be as effective against Omicron infection, while remaining stronger against severe disease;

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 continue the terms, conditions, and suspensions contained in Executive Order 11 until January 25, 2022.

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 January 25, 2022 the following:

- Title V of Article 5 of the Public Health Law and subparts 19 and 58 of Title 10 of the NYCRR, to the extent necessary to allow laboratories holding a Clinical Laboratory Improvement Acts (CLIA) certificate and meeting the CLIA quality standards described in 42 CFR Subparts H, J, K and M, to perform testing for the detection of SARS-CoV-2 in specimens collected from individuals in New York State;
- Subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, to the extent necessary to permit the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2022 assessment roll to all property owners who received that exemption on the 2021 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons. Provided however, that the governing body may, at its option, include in such resolution procedures by which the assessor may require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died;
- Article 7 of the Public Officers Law to the extent necessary to authorize the New York State Senate and Assembly, at their discretion, to meet and take such action authorized by law remotely by conference call or similar service and otherwise act in conformance with the provisions of Part E of Chapter 417 of the Laws of 2021, and expiring upon the expiration of such Chapter.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-sixth day of December in the year two thousand twenty-one

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

Executive Order No. 12: Declaring an Emergency in Order to Appoint New Jersey and Connecticut Police Officers as Railroad Police Officers to Provide Enhanced Security on Commuter Trains, Buses, and Ferries.

WHEREAS, the holiday season is a time of heightened alert and increased risk of terrorist attack as terrorists typically consider significant, symbolic dates when planning attacks, with the objective of inflicting mass casualties and maximizing the economic and psychological damage to the United States, as evidenced by the November 2010 plot to bomb a holiday tree lighting ceremony in Portland, Oregon by a homegrown violent extremist; the December 2010 attack on a market filled with Christmas shoppers in Stockholm, Sweden by a suicide bomber; the December 2010 arrests in the United Kingdom of 12 individuals plotting to conduct attacks during the holiday season; the December 2016 attack in Berlin where a truck was driven into a crowd of people located at the Christmas market next to the Kaiser Wilhelm Memorial Church; the 2016 nightclub attack in Istanbul that left 39 people dead during a New Year's Eve celebration in 2016; the December 2017 bombing in a tunnel in New York City's Port Authority Bus Terminal, which was inspired by the Islamic State in Iraq and Syria ("ISIS") Christmas propaganda and conducted after the attacker

saw holiday-themed posters on the tunnel walls; the continued threats issued in 2018 by pro-ISIS social media users calling for ISIS supporters to conduct attacks during the upcoming holiday season; and the December 2018 active shooter attack by a terrorist at a popular Christmas Market in Strasbourg, France, which killed 5 and injured 11 more;

WHEREAS, New York State has been subject to terrorist attacks and plots, including the World Trade Center bombing in 1993; the attacks on the World Trade Center on September 11, 2001; the Brooklyn Bridge Plot in 2003; the Financial Centers Plot in 2004 targeting the New York Stock Exchange and Citigroup Center in New York City and the Prudential Plaza in Newark, New Jersey; the 2007 plot to blow up jet fuel supply tanks and the pipeline that fed the tanks located underneath the John F. Kennedy International Airport; the May 2009 plot to bomb a Bronx synagogue and to shoot down military planes at Stewart Air National Guard Base; the failed plot of Faisal Shahzad in May 2010; the May 2011 plot by Ahmed Ferhani and Mohamed Mamdouh to bomb New York City Synagogues, during which Ferhani and Mamdouh discussed additional targets in New York City, and the Empire State Building; the October 2012 foiled attempt by Quazi Mohammad Rezwaniul Ahsan Nafis to detonate a 1,000 pound car bomb outside the Federal Reserve Bank of New York in Lower Manhattan; the planned attacks by Raees Alam Qazi and his brother in November 2012 directed at New York City; the 2014 indictment of Mufid Elfgeeh, a Rochester resident who is alleged to have provided material support to ISIS; the September 2016 attack in New York City involving a pressure cooker style bomb that injured more than 30 people and involved additional detonated and undetonated devices; the October 2017 attack in Lower Manhattan involving Sayfullo Saipov, who drove a rented Home Depot truck down a bike path killing eight people and injuring 12; the October 2018 plot by a Rockland County man to detonate a 200 pound explosive device on Election Day; the October 2018 package bombs that were sent to multiple locations in New York, including CNN's Headquarters in NYC and a Westchester residence; the Queens resident who was arrested in June 2019 for purchasing firearms with obliterated serial numbers and was plotting to attack Times Square; the Brooklyn man who was arrested in November 2019 for allegedly disseminating ISIS propaganda and bomb-making instructions in an effort to incite violence in New York City and elsewhere; and the machete attack during Hanukkah in Monsey, New York on December 28, 2019. All of these examples demonstrate that terrorists continue to pose a persistent threat to the State of New York;

WHEREAS, while there is no known confirmed threat to the New York City metropolitan area, New York transportation systems have been repeatedly targeted by terrorists, including: the previously mentioned 2017 Port Authority Bombing; the 2016 plot by three men planning to conduct bombings and shootings in Times Square and within the City's subway system during the month of Ramadhan on behalf of ISIS; the 2013 al-Qa'ida - directed plot to derail a passenger train traveling from Toronto to New York; the Zazi plot against New York City subways in 2009; the 2008 plot by Bryant Neal Vinas aimed at the Long Island Railroad; the 2006 plot to bomb the Port Authority-Trans Hudson (PATH) train tunnels; and the 2004 plot to bomb Herald Square in Manhattan. The targeting of transportation systems by terrorist groups is further demonstrated by the bombing on the Saint Petersburg Metro in Russia and the Parsons Green tube station in London, England in 2017; the bombings at an airport and metro station in Brussels, Belgium in 2016; and coordinated bombings across London's mass transit system in 2005 and in Madrid in 2004;

WHEREAS, hundreds of thousands of commuters travel between the states of New York, New Jersey, and Connecticut via mass transit systems that include interstate rail, bus, and ferry systems accessible to the public, and enhanced law enforcement presence on these conveyances is prudent to protect public safety;

WHEREAS, the ISIS continues to use social media sites to repeatedly call on sympathizers to carry out attacks within the United States and Western countries in any manner or way;

WHEREAS, the ISIS has released a propaganda video containing images of New York City purportedly under attack;

WHEREAS, various terrorist groups continue to issue threats in an attempt to motivate homegrown terror attacks in the United States;

WHEREAS, at least 130 people were murdered and over 400 were injured in multiple, simultaneous terrorist attacks in Paris, France on November 13, 2015; at least 20 people were murdered in a November 20, 2015 terrorist attack in Bamako, Mali; 32 people were killed and more than 300 people were injured after three coordinated suicide bombings at an airport and metro station in Brussels, Belgium on March 22, 2016; 86 people were murdered and 434 people were injured after a terrorist attack on a Bastille Day celebration in Nice, France on July 14, 2016; 5 people were murdered and 50 more injured on the Westminster Bridge and areas outside of the Parliament Building in a vehicle and knife attack in London, England on March 22, 2017; 5 people were murdered and 14 people were injured in a truck attack in Stockholm, Sweden on April 7, 2017; 22 people were murdered outside of Manchester Arena in Manchester, England on May 22, 2017; 8 people were murdered and 48 people injured during an attack on and around London Bridge in London, England on June 3, 2017; 16 people were murdered and 152 people were injured in multiple attacks involving vehicles, knives and explosives in Barcelona and Cambrils, Spain between August 17 and 18, 2017; 4 people were murdered and 15 people were injured in March 2018 during an ISIS-inspired active shooter attack and hostage situation in Trebes, France; authorities in the Netherlands foiled a complex coordinated attack in September 2018 by arresting 7 men who planned to target a mass gathering event with firearms and explosives; 4 people were killed and 2 were injured at the Central Police headquarters in Paris, France, after a radicalized terrorist went on a stabbing spree in October 2019; and 2 people were stabbed to death and 3 more were injured near London Bridge in November 2019, by a terrorist wielding a knife and wearing a hoax suicide vest;

WHEREAS, 49 people were murdered and 53 people were injured in a terrorist attack on the Pulse Nightclub in Orlando, Florida on June 12, 2016; 13 people were injured in a terrorist attack perpetrated by Abdul Artan at the Ohio State University on November 28, 2016; threats were issued in 2016 involving the 90th Annual Macy's Thanksgiving Day Parade in New York City; 60 people were murdered and more than 800 were injured during a mass shooting in Las Vegas on October 1, 2017; 26 people were murdered and 22 people were injured in a church shooting in Sutherland Springs, Texas on November 5, 2017; Two people were murdered and five were injured in March 2018 after several package bombs were sent indiscriminately to residents of Texas; 11 people were murdered and six people were injured in an anti-Semitic active shooter attack in October 2018 at the Tree of Life Synagogue in Pittsburgh, Pennsylvania; and 12 people were murdered and more than 15 people were injured in a November 2018 shooting at a restaurant in Thousand Oaks, California; four people were killed in two different attacks, including a law enforcement officer in Jersey City, NJ in December 2019; two people were killed and one injured in two separate attacks in California on May 29 and June 6, 2020; eight people were killed in March 2021 after a firearms attack on several businesses near Atlanta, Georgia.

WHEREAS, on September 24, 2014, in response to heightened concerns of terrorist activities, New York State and New Jersey formalized a counterterrorism partnership through a Memorandum of Understanding whereby additional security measures and protocols were agreed upon in an effort to bolster the security posture of the Bi-State Region;

WHEREAS, New York's sister states, Connecticut and New Jersey, have agreed to deploy police officers to provide increased security on commuter trains, buses, and ferries going in and out of New York State;

WHEREAS, sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, and sworn police officers of any county or municipality in the State of New Jersey are restricted in their law enforcement authority once such a conveyance crosses the jurisdictional boundary between Connecticut and New York or between New Jersey and New York;

WHEREAS, New York, New Jersey, and Connecticut are all members of the Emergency Management Assistance Compact (EMAC), which allows for mutual assistance and resource sharing among sister states;

WHEREAS, the EMAC provides that emergency forces from the sending state, while operating within the jurisdictional boundaries of the receiving state pursuant to the compact, shall have the same powers (except that of arrest, unless specifically authorized by the receiving state), duties, rights and privileges as are afforded forces of the receiving state in which they are performing emergency services;

WHEREAS, to utilize the police resources provided by New York's sister states, New York State must confer police officer powers, including arrest powers, on such officers while they are within its geographic jurisdiction;

WHEREAS, Section 88 of the Railroad Law authorizes the Superintendent of the State Police to appoint any person as a railroad police officer only under prescribed circumstances and subject to certain limitations;

WHEREAS, if such circumstances and limitations were applied to sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, and sworn police officers of any county or municipality in the State of New Jersey who are serving as railroad police officers from 12:01 A.M. on December 23, 2021 through 12:01 A.M. on January 2, 2022, such application would prevent, hinder, and delay action necessary to respond to a terrorist attack or a threat thereof;

WHEREAS, Section 29-a of the Executive Law authorizes the suspension, alteration and modification of statutes, local laws, ordinances, orders, rules or regulations, or parts thereof, if compliance with such provisions would prevent, hinder or delay actions necessary to cope with a disaster emergency and the inclusion of any other terms and conditions;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find that a disaster may be imminent to which the affected local governments are unable to respond adequately without assistance. Therefore, pursuant to 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, I hereby declare a State Disaster Emergency effective December 23, 2021;

FURTHER, pursuant to the authority vested in me by Section 29-a of the Executive Law to temporarily suspend and modify specific provisions of any statute, local law, ordinance, order, rule or regulation, or parts thereof, of any agency during a State Disaster Emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, I hereby temporarily suspend and modify, for the period from 12:01 AM on December 23, 2021 until 12:01 AM on January 2, 2022, the following laws for purposes of appointment of sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, and sworn police officers of any county or municipality in the State of New Jersey as Railroad Police;

FURTHER, Subdivision 1 of Section 88 of the Railroad Law insofar as it requires the Superintendent of the State Police to appoint railroad police officers only upon the application of a corporation, express company, or steamboat company, is modified to the extent necessary to allow the Governor to appoint, and I do hereby appoint, sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, and sworn police officers of any county or municipality in the State of New Jersey as railroad police officers, and to include all rail and bus facilities and property owned, operated or in the custody or control of the Port Authority of New York and New Jersey or its subsidiaries, the Metropolitan Transit Authority or its subsidiaries, New Jersey Transit or its subsidiaries, and ferries certified to carry passengers to and from New York State; and Subdivisions 2 through 17 of Section 88 of the Railroad Law, as necessary to effectuate this Order; and

FURTHER, this Order shall take effect at 12:01 AM on December 23, 2021 and shall remain in effect until 12:01 AM on January 2, 2022, and may be extended, with further notice consistent with Section 29-a of the Executive Law, upon consideration of a continued heightened

alert of terrorist attack, at which time the suspension of laws may be extended upon consideration of a continued heightened alert of terrorist attack.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-third day of December in the year two thousand twenty-one.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor